App. F. IX-4

1925. (Courts)

File No. 181-25

Serial Nos. 1-5

Previous References
do 226-22 (1-8)
" 237-23 (1-2)
" 263-24 (4, 5+6)

Later References
do 17N-27 (1-2)
do 156-28 (1+2)
do 174-28, 182
" 23-32-3

PRESERVED ✓ Preserve

General and Revenue Secretariat.

Serial Nos. June

Part B for December 1927

SUBJECT

Revision of the pay of the Process Establishment of the civil courts in the State

G.O. No. P. 2903-4 of 1-12-27 — To the Regl. Chief Court & Comptroller.

Sanctions the allocation of the process establishment among the various civil courts in the State.

Manasweeny Iyengar
9-1-28.

G. R. S.-III 11 1925-26

GENERAL AND REVENUE SECRETARIAT.

Courts

NOTES.

File No. 19-1

FILE HEADING.

Revision of the forests establishment in the judicial Department

From

The Registrar, Chief Court

C No. 839 Dated 9. 1. 26 Received 13-1-26

Diary No. 284	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Invites reference to the correspondence ending with his letter dt 11-4-24 in the matter of the reorganisation of the forests service establishment and recommends that pending the recommendations of the civil justice committee who are considering the matter the comptroller may be instructed to make the necessary provision in the next years budget.

NOTES AND ORDERS.

The Chief Court interested to improve the pay and prospects of the forests service establishment of the civil courts by raising the fees for service of processes. After full consideration Govt. requested the Chief Court to consider a revised scheme limiting the expenditure on

NOTES—First Sheet.

WD 1881—GPB—30,000—1-8-21

Serial No

account of the reversion of the pay to the extra income expected to be realised by raising the process fees in higher courts only (Int courts and St courts) together would amount to Rs 10000/- per annum from first. The Select Committee accordingly sent a revised scheme. But provision was not made in the budget for the last 2 years. Pending the final orders of Govt on the recommendation of the Laws' Delays Committee the Comptroller may perhaps be requested to provide a sum of Rs 20000/- in the next year's budget on this account. (Vide Member's note in para 114 of the note in C5 226-27) Submitted for orders.

Flag C

2) According to the above, a provision of Rs 10,000 on the Receipt side & of Rs 20,000 on the Expenditure side will have to be made.

15/1/26

3) The Laws Delays Committee is expected to finish their deliberations by the end of Feb'25, & their recommendations are received in March & April, there will be time enough to consider the question on receipt of their report.

4) The question has been fully discussed in the file below. A provision of Rs 10,000/- on the receipt side & Rs 20,000/- on the expenditure side will have to be made. It has not been possible till now to make a provision of this kind in the Budget. Recommendations, if any, of the Laws Delays Committee may perhaps be awaited. Submitted for orders

Ans 1871

(L & L Secy)
1st Mar

Ca
1/3

4/3/26

NOTE—Contn. Sheet

Serial No

5) May be noted for consideration when preparing the Draft Budget for Dept.

21.1.

21.1.

No provision has been made in the Budget for 1926-27.

Submitted with a draft for approval or other orders.

28/7

1) It is stated in the Regr letter that the matter received the consideration of the Civil Justice Comtee. The report of the latter may perhaps be awaited since there seems to be no necessity for the communication suggested - I agree -

28/7

28/7

From

The Regr Calcutta Court Letter no Roc 839 dt 10-1-27 Requests reference to the correspondence ending subject of improving the pay and prospects of the Process staff attached to the Munsiffs' courts and states that the question has been pending for over 3 years and that the Civil Delays' Committee have approved of the proposal made by the Calcutta court and requests sanction to the proposal and makeover of necessary proposed funds in the budget for 1927-28.

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Rubd

(6) The Laws Delegs Committee recommend the adoption of the scheme proposed by the Chief Court with the exception of the portion relating to the increase of fees for service of processes contained in their letter dt 21-4-1923. The scheme if accepted as proposed by the Chief Court involves a recurring expenditure of Rs. 53,02. The average surplus arising out of the fees collected for service of processes is estimated at Rs 36,000. The remaining Rs 17,000 and odd the Chief Court hope to get by doubling the fees for the service of processes. In the scheme it is suggested that this doubling of the fees will not be really a burden to the parties as it is proposed to issue and receive the same process until it is exhausted at half the rates. It is doubtful whether the expected surplus will be realised. In this connection kind reference is invited to para 16 of the note in this file 226-22. wherein it has been pointed out that it is not possible to get the increased income as hoped for by the Chief Court.

(7) Govt while approving of the scheme for the reorganisation of the process staff were not inclined for increasing the recurring expenditure on account of financial stringency. They therefore suggested that the scheme proposed by the Chief Court may be revised so as not to involve any greater expenditure than the net

(N)

(5)

NOTE—Contn. Sheet

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realisable by doubling the fee per service of processes in higher Courts plus a grant of Rs 10000/- from Govt. The High Court expect an income of Rs 10000/- if the process fees are doubled in the higher Courts alone. They have sent a scheme costing Rs 20000/- For reasons mentioned in the letter dt 16-6-1924 of the High Court, it is doubtful whether the fee income expected will be realised. Even granting that the expected income is realised the scheme as revised would lose one important feature - the grant of bonuses for effective service of processes above a certain percentage.

10 It is doubtful whether the ~~Laws' Delays' Committee~~ public would be satisfied if this feature of granting of bonuses approved by the Laws' Delays' Committee were to be omitted out of the scheme. The committee are not in favour of increasing the fee per service of process. They suggested the adoption of a Process Service Fund, the income realised to be spent on the improvement of process establishment. The average surplus of Rs 36,000/- they think is sufficient to revise the prospects of the Process Staff. &c

11 Let the revised scheme sent by the High Court involving the extra expenditure of Rs 20,000/- the High Court have revised the measure Rule for the Amins and Process Servers and omitted the appointment of Assistant Process Majors. If this scheme is accepted the question of grant of

Para 317 of the Report

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NOTE—Contn. Sheet

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homes for effective service beyond a certain prescribed limit may be considered, as the Chief Court suggest that a sum of Rs 16,740/- will be sufficient for the purpose. The Laws' Delays' Committee are of opinion that the extra sum of Rs 7,740/- over and above the surplus of Rs 86,000/- has to be found by cut. 9 If the addition of an allowance of Rs 15/- to the process server as proposed in the revised scheme is reduced to Rs 10/- only as suggested in para 14 of the note, a saving of Rs 12,600/- will be effected. The scheme is thus possible to be given effect to if not accept the principle that the income realised from the fees for the series of processes is to be spent on the process staff itself without increasing the burden on the litigant public by doubling the fees for service of processes as proposed by the Chief Court. If the principle is accepted, the Chief Court may be consulted as to whether the allowance proposed to the process server may not be reduced by Rs 10/- in order to give effect to the scheme in full with reduced scale for munsif's process servers

Submitted for orders

Please submit case 23/1

BS 22.1.27

12 The proposals have been discussed in detail in the files put up. There seems to be a justification for adopting some such measures & that is why the proposal instead of being rejected was ordered to be brought up at successive budgets. The Laws' Delays' Committee also recommend the proposal, which if

NOTE—Contn. Sheet

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funds permit, may be favourably considered.

Lt Governor

Chief Secy
31.1

Received
25 Aug 25

NOTE—Contn. Sheet

NOTE ON THE PROPOSALS OF THE LAWS DELAY COMMITTEE.

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13) The recommendations of the Committee involving extra expenditure have not been fully dealt with by the Administrative Department in this file and I have not had the benefit of their views on the several proposals contained in the report. My remarks in this note may be considered as provisional and as indicative of certain tentative suggestions for consideration.

14 The measures of relief proposed by the Committee are estimated to involve an extra expenditure of Rs.2½ lakhs of which Rs.1,93,000 will be permanent. One of the important recommendations made by the Committee is the reorganisation of the Process Department involving permanent extra cost of Rs.53,000. As against this extra cost, it is stated that if the recommendations of the Chief Court to enhance by 100 per cent the scale of process fees in all civil courts be approved, there will be an additional income of Rs.1,21,000 and that there will be on the whole a saving of Rs.77,000. Presumably this additional sum of Rs.77,000 is expected to be taken as far as it goes to meet the extra cost under other items recommended by the Committee.

15 While the Committee supports the recommendations of the Chief Court for the reorganisation of the Process establishment, it does not recommend the enhancement of the scale of fees straight away as suggested by the Chief Court. The Committee considers that the fee levied from the litigants for the service of process is in the nature of a special fee. It recommends that the savings after meeting the cost of the process establishme

ment

establishment which is said to be Rs.36,000, be first utilised for carrying out improvements to the Process establishment suggested and that to ~~that~~ the extent additional funds are required to meet the full cost of the reorganisation, the scale of fees may be suitably enhanced. According to these recommendations, no additional resource is immediately available to finance any portion of the other measures of relief proposed by the Committee. On the other hand, the acceptance of the proposal to permit the payment of court fees in two instalments will undoubtedly result in some reduction of revenue by way of loss of interest and avoidance of lapses in the claim of half the institution fees in uncontested cases.

16 In the supplementary note, the non-official members of the Committee have observed that the amount realised from litigants who resort to Civil Courts should be regarded in the nature of fees for service rendered and not as a tax and that the extra expenditure of a couple ~~of a couple~~ of lakhs of rupees recommended by the Committee should be met out of the savings under Civil Justice amounting to Rs.4 lakhs. This is not the place to discuss the argument of the non-official members of the Committee advanced in support of their recommendations involving heavy expenditure. I content myself in bringing to notice that the measures of relief proposed by the Committee cannot be financed without dislocating the General Administration.

17 According to the forecast of the revenue position of the current year and of the budget of next year, it may be broadly stated that the annual revenues fall short of the present level of expenditure

by about Rs.10 lakhs. Unless the revenue position improves and new sources of revenue are tapped, it is not possible to undertake any comprehensive scheme of expansion as recommended by the Committee. It is desirable that the additional expenditure necessary for the speeding up of the administration of the Civil Justice may be limited to the minimum and that it may be taken up in instalments so that there may not be undue strain on the revenue position of any year.

18 With these preliminary observations, I venture to suggest that the expenditure on improvements calculated to advance Civil Justice may be provisionally fixed at Rs.50,000 (Net). The reorganisation of the Process service establishment is one of the most urgent item of reform and it can no longer be postponed. This question has been pending for nearly four years. Some suitable enhancement of the scale of process fees is also inevitable and whatever new money will become available from this resource may be appropriated for the reorganisation of that department.

19 Turning now to the individual recommendations Of the Committee,

(i)Establishment of two small cause courts, one at Bangalore and one at Mysore costing Rs.15,000 for each court Rs.30,000.

20 The proposal of the Committee for the establishment of a small cause court at Bangalore may be approved. There does not appear to be very great urgency in regard to a similar court at Mysore. ~~immediately~~. For one thing, there will not be sufficient small cause work to keep the court fully

engaged. The State cannot also afford to provide for the cost of both the courts in the next year's budget. It is desirable that experience of the working of the court at ~~Mysore for a couple of years~~ Bangalore be gained before the establishment of a similar one at Mysore. The question of establishment of a small cause court at Mysore may be taken up two years hence.

The Committee proposes to fix the pecuniary jurisdiction of the small causes court at Rs.300. If the pecuniary jurisdiction is raised to Rs.500 as provided in the Civil Courts Regulations, there will be reduction in the number of appeals to be dealt with in the Bangalore Division.

(ii)Establishment of three Munsiff's Courts, one at Mandya, one at Closepet and one at Hunsur at a cost of Rs.28,500 net.

There are at present 23 Munsiff Courts and the Committee recommends the permanent addition of one munsiff court with readjustments in the territorial jurisdiction and location of certain other courts. The Special Second Grade Magistrate's Court at Tarikere is proposed to be abolished. The extra cost involved in the establishment of these three munsiff's courts is mainly due to the entertainment of the establishment on a revised scale. The recommendation for the location of the munsiff's courts at the three places specified may be approved, but the cost of establishment seems capable of reduction. The ~~principle~~ principle accepted by the Committee in the case of entrusting civil and criminal work to the munsiffs in the Kadur District may be adopted in respect of the ~~establishment~~ munsiff at Mandya. The Special Magistrate's court ~~to be~~

at Mandya may be abolished and the criminal work now dealt with by that court may be distributed between the Munsiff Court to be located there and the Special Magistrate Court a. French Rocks. In this view and subject to suitable reductions in the case of establishment, the extra cost involved in the establishment of three Munsiff Courts will be about Rs.10,000.

(iii) Reorganisation of the ministerial establishment of Civil Courts including Chief Court.

The extracost of this proposal is about Rs.70,000/- per ~~month~~ annum. There is another alternative proposal - made by the Chief Court in December 26 which is expected to cost about Rs.34,000/- I am afraid that in the present condition of finances, it is not possible to provide even this reduced amount in the next budget. If the revision can be taken up in instalments , a sum of Rs.10 to Rs.15 thousand may be allotted for this reorganisation for the present -

(iv) Additional clerks for the Civil Courts in the State.

This item costsn Rs.11,000/- and seems inevitable. This additional staff may be entertained on the - temporary basis for a period of two years and the question may be reexamined with reference to the resources of the State at that time.

(v) Revision of the Process Establishment.

As already stated, the reorganisation of the Process establishment recommended by the committee is expected to cost Rs.53,000. The Chief Court have submitted alternative proposals within a limit of Rs.20,000 as suggested by Government

in 1924. This alternative proposal may, for the present, be accepted. While the Chief Court are prepared to double the scale of process fees so as to bring them to the level of fees in some British provinces, the Committee has not whole-heartedly supported this proposal. The question of enhancement of process fees was discussed by the Representative Assembly in the October session of 1925. Votes were not however taken and the general sense of the Assembly was not guaged. Government have no objection to the fees in the higher courts being raised to the Madras level. But the additional income expected from this measure is about Rs.16,000 only. It is suggested that the process fees in all courts including the munsiff's courts may be raised say by 25% tentatively for a period of two years. The additional sum of Rs.20,000 to Rs.25,000 realisable thereby may be utilised to meet the extra cost of revision of the process establishment.

26 The proposals for increase of permanent expenditure are thus dealt with.

27. As regards the temporary measures of relief:-

Item No.6:- Additional Judge for the Chief Court for one year ,Rs.19,500.

With a view to the clearance of arrears of work in the Chief Court and speeding up of appeal work in the Bangalore Division, the Committee has made the following recommendations:-

(1) An additional Judge for the Chief Court (for one year) - Rs.19,500.

(2) A subordinate Judge's Court for Bangalore (for two years) costing Rs.16,000 i.e., Rs.8,000 for each year.

27 The recommendations made by the Committee in paras 329, 330 ~~and~~ 336 (343) viz., that first appeals in the Bangalore Division may lie direct to the District Judge of Bangalore as in other divisions and ~~secondly~~ that a small cause court be established to relieve the subordinate judge of the disposal of ~~ordinary~~ small cause suits will, if accepted, go a great way towards expediting the disposal of appeal work in Bangalore. In addition to these measures, the question of transferring certain appeal cases for disposal by the Special First Grade Magistrate at Bangalore may also be considered. If circuit sessions in Bangalore Division be abolished, the District Judge will be able to devote more time to civil work. With the adoption of all these measures it may be possible to avoid the extra expenditure proposed by the Committee in the appointment of a temporary additional judge to the Chief Court and the establishment of a temporary additional sub court at Bangalore.

28 Item No.8. Temporary Sub Court at Shimoga for one year.

For the clearance of arrears of appeal work in the Shimoga Division, a second subordinate Judge Court is proposed for one year. If the small causes court at Mysore be not established immediately, the continuance of the temporary sub court at Mysore may perhaps become necessary for some time more. If it is possible to make use of the Special First Grade Magistrates at Mysore and Shimoga for the disposal of some appeal work, I think, the cost involved in the establishment of a temporary sub court at either ~~at Mysore or at Shimoga~~ place may, for the present, be

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avoided. The Chief Court have recognised the fact that in some of the Special Magistrate Courts, there is lack of adequate work for a full time officer and the Committee endorses this view and says that 'the question of empowering a few special magistrates recruited from the bar and otnerwise qualified to do civil work and try transferred civil suits is one deserving of early attention'. The abstract given in para 411 of the Committee's report shows that there is not at present sufficient work for many of the Special Magistrate Courts. If the proposal of transferring civil appeal work to special first grade magistrates is acceptable to the Chief Court, it will solve to some extent the problem of financing temporary courts for relieving congestion of appeal work.

90 Item Nos.9 to 12:-For the clearance of arrears in civil suits in the munsiff's courts, one temporary additional acourt is proposed in four places:-Bangalore, Chikballapur Shimoga and Sagar, Chitaldrug and Davangere.

In making this recommendation, the Committee seems to have been impressed with the advantages of what may be called "intensive" system of clearing the arrears. I have to press the financial view that the strain on the general revenues will be reduced if the expenditure be spread over three or four years. Unless there are insuperable objections, the alternativ of establishing one itenerant munisff court, extending its term from year to year, say, for a period of four years may be adopted; and congestion in civil work in individual courts may be relieved by transferring a certain number of civil suits, wherever possible to Special Magistrates in accordance with the

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the views accepted by the Committee, in paras 413 of the report.

31 To sum up, the proposals made in this note as a basis for discussion are as follows :-

Permanent.

		Cost.
(1)	Establishment of a Small Cause Court at Bangalore ...	Rs.15,000
(2)	Establishment of 3 Munsiff Courts at Mandya, Closepet and Hunsur, the Special Magistrate's Court at Mandya being also abolished and suitable reduction in the scale of establishment of courts being made to keep down cost.	Rs.10,000
(3)	Reorganisation of the ministerial establishment of Civil Courts	Rs.15,000
(4)	Reorganisation of the Process service establishment ..	Rs.20,000
		Rs.60,000

Temporary.

(5)	One Temporary Subordinate Judge's Court for Mysore and Shimoga at Rs.8,000 for each year for a period of two years. (Rs.8,000 X 2) ...	Rs.16,000
(6)	One additional Munsiff's Court for Bangalore, Chickballapur Shimoga, and Chitaldrug for four years at Rs.3,000 a year. (3,000 X 4) ...	Rs.12,000
		Rs.28,000

32 The total expenditure will thus be Rs.60,000 permanent and Rs. 22,000 temporary for two years and

17

and Rs.3,000 temporary for a further period of two years. P_ According to the above tentative proposals subject to further reductions on ~~further~~ detailed examination a sum of about ¾ lakhs will be the additional - expenditure during next year, of which a sum of Rs.25,000 will be available by the enhancement of the scale of process fees. The net addition to the 1927-28 Budget will thus be Rs.50,000.

V Sreenivasayya

18.2.1927.

N O T E

Combination of Civil and Criminal functions in one officer i.e., the proposal to absorb Magistrates in the Judicial cadre excluding a few places for giving training to civil servants and Asilders by combining the work of Munsiffs and Magistrates.

Section of combining civil and criminal functions in same officer

33) The Committee has come to the conclusion that there is not at present sufficient criminal work for many of the Special Magistrates. The Chief Court have in their report on the Administration of Criminal Justice for the year 1924-25 observed that there was a lack of adequate work for a full-time officer and have also observed that other suitable measures for readjustment of work will have to be seriously considered in the near future. The Committee have suggested that in courts where there is not sufficient criminal work presiding officers of such as if recruited from the bar, may well be appointed to be Additional Munsiffs for the trial of such cases or classes of cases on file of the Munsiffs' Courts concerned as transferred to them by the District Judge acting in consultation with the District Magistrate, provided that both the Munsiffs and Magistrates Courts are situated in the same station."

Para 413 of the Report.

2. From the administrative point of view it is desirable that the Magistrates who have been recruited from the bar should be secure of their flow of promotion. If an attempt is made to transfer some of the Magistrates to the civil line, Government will be confronted

with a difficulty to provide suitable places for them in the judicial line without causing heart-burning to the heavily worked Munsiffs. Such difficulty has arisen in the case of two Magistrates who are ordered to be posted as Munsiffs. The Chief Court expressed a desire that they should be placed below all the Munsiffs. The same difficulty will arise in the case of first grade Magistrates being sent out as Sub Judges.

3. There are 13 law Graduates Magistrates directly recruited from the Bar and their cases have to be considered sooner or later.

4. For these reasons it is highly desirable that a scheme should be worked out by which civil and criminal work may be entrusted to one officer in places where it is possible and to have Munsiffs and Magistrates separate in places where there is heavy civil and criminal work.

5. Such a scheme will to a great extent relieve the Government much of the extra cost to be incurred if the recommendations of the Committee have to be given effect to. In fact the rough draft scheme now proposed will result in a saving of at least Rs.25000 If the principle is accepted, details may be worked up after consulting the local officers and also public opinion. This scheme will have obvious advantages to the litigants who may not have to travel long distances to get their civil and criminal cases decided.

to from the beginning of next official year i.e., 1st July 1927.

6. In the rough scheme the proposals regarding the allocation of the courts to Bangalore and Mysore Districts may be so modified as to allow more sub judges Courts and Small Cause Courts.

7. The disadvantages consists in the apprehension that the Munsiff-Magistrates are likely to give preference to criminal ~~xxx~~ cases over civil work and that there would be double control i.e., control by the District Magistrates and the Chief Court. When the officer is taken to the judicial line, the Chief Court will have full control and the District Magistrate will have only control over the criminal work of the Second and Third Grade Magistrates. The members of the Representative Assembly have pressed for the control of the magistracy by the Chief Court and not by the District Magistrates.

8. As regards vacation, the Munsiffs may ~~xxx~~ be given privilege leave just like any other officer. (and the civil work can be disposed for by vacation) The advantages of adopting the scheme by which for every two taluks there will be a Munsiffs-Magistrate and a Sub Judge in every District Headquarter in addition to the three District Judges will outweigh the disadvantages in that the scheme will be less costly and more facilities are created for the speedy disposal of cases.

[illegible] OF THE [illegible].

.....

The sub-joined note explains the full position. The revised proposals of the Chief Court as per suggestions of the Government may perhaps be approved in toto. The Government have suggested the increase of process fees in the higher courts to the Madras level and that they would give an additional grant of Rs.10,000 a year for the purpose. It was accepted by the Chief Court that the increase of process fees would result in an increase of Rs.10,000 per year (Vide Flag V). The Chief Court have limited the expenditure to Rs.20,000 roughly. This proposal may be sanctioned. I am not in favour of the proposal of the Financial Secretary to double the fees in all the Courts, nor am I in favour of the Committee's recommendation not to rise the fees but incur an expenditure of Rs.80,000 per annum on process establishment.

42

REORGANIZATION OF MINISTERIAL [illegible] OF CIVIL COURTS.

.....

The Chief Court submitted an alternative proposal in December 1936 at a cost of Rs.36,000. The Committee have estimated the extra cost at [illegible] Rs.60,788; but the Financial Secretary has given it as his opinion that the revision can be taken up in instalments and that a sum of Rs.20,000 to Rs.25,000 may be allotted for reorganiza-

organisation for the present. I have carefully perused the proposal of the Chief Court and it is possible that the Chief Court might reduce the cost to Rs.2,00,000 and they may be asked to send up revised proposals.

22 ADDITIONAL STAFF TO THE CIVIL COURT IN THE STATE.

.....

Having regard to the increase of work, I am in full sympathy with the recommendations of the Committee. The Financial Secretary is also in favour. This item costs Rs.11,000. The additional staff may be entertained in the first instance for a period of 2 years on temporary basis and the question may be re-examined at the end of that period. Clerks may not, however, be given any grades. The cost may well be reduced to Rs.~~78,000~~ 70006 8000.

21 PERMANENT AND TEMPORARY COURTS.

.....

(1) Permanent.-- The Committee proposed the establishment of two small cause courts at Bangalore and Mysore and one Munsiff's Court at Hunsur in addition to 2 additional Munsiffs' Courts at Mysore and Bangalore.

As for temporary establishment they proposed (1) one additional Judge for the Chief Court for one year (2) One subordinate Judge's Court for Bangalore for two years (3) one subordinate Judge's Court for Shimoga for one year and (4) Four additional Munsiffs' Courts. In this connection Rao Bahadur Mr. N.S.Ranga Iyengar's opinion seems to me to be sound.

He says:-"It is necessary that the District and Sub Judge in Bangalore and Mysore should be given relief immediately by the addition of one permanent Sub Judge in Bangalore and another permanent Sub Judge in Mysore. I am not in favour of constituting small Benches in Bangalore and Mysore. The new additional permanent Sub Judge may be given small cases work and also original appellate and original work if the small cases work by itself does not fully occupy their time.

U.S In Bangalore to remove the existing accumulation in different courts including the first appellate side of the Chief Court, it becomes necessary to establish a temporary Sub Court in addition to the two permanent Sub Judge's Court for a period of one or two years; so that in Bangalore, if this arrangement is given effect to, the first or second appeals pending in the Chief Court may be conveniently distributed among the District Judge and the three additional Sub Judges and disposed of expeditiously. This undoubtedly relieving the congestion in the Chief Court. In future, first or second appeals from Munsiffs and Sub Judges Courts may be entertained by the District Judge and disposed of by him or the Sub Judges. If necessary the original appeals from the First class Magistrate's Courts in the Bangalore Division may also be made to lie to the Sessions Judge of Bangalore. If these suggestions are accepted and given effect to, the Chief Court will have no grounds for complaining of heavy work and

and the necessity for the appointment of a temporary additional judge to the Chief Court will be obviated.

If to give relief to an existing court the appointment of a temporary court is considered necessary, I would submit that instead of appointing a temporary court with all its pharaphernalia involving heavy cost, a temporary judge may be appointed to that particular court giving him the services of one or two clerks and peons. This will facilitate the work and reduce the file materially without heavy extra cost. I am glad to observe that the Government have already accepted in the legislative department the Civil Court Legislation so as to remove such disparities.

If the scheme is to be given effect to there will be no necessity to consider any additional courts. If the scheme as it is to be considered, Dewan Bahadur's recommendation may be approved and the cost would be ~~xxxxxxx~~ Rs.16,000 and the cost of additional temporary Sub Judge would be Rs.6,000. There were additional Munsiff's Courts. If necessary may be added as Rs.9,000 as proposed by the Financial Secretary. If this proposal is accepted, it works out as follows:--

Permanent.

	Rs.
(1) 2 Sub Courts one at Bangalore and another at Hubli.	10,000
(2) Re-organisation of the Ministerial establishment of Civil Courts.	33,000
(3) Re-organisation of the Process establishments	13,000
	56,596

Temporary.

(1) Additional clerks for Civil Courts for two years.	Rs.15,720
(2) One temporary Sub Judge's Court at Chimoga.	8,000
(3) 4 additional Munsiffs' Courts/at Chitaldrug, Chimoga and Chitaldrug and Bangalore for a period of one year.	12,000
Total.	35,720

The total expenditure will thus be Rs. 565-96 permanent and Rs 23720 temporary for two years and Rs. 12,000 for a period of one year. The net cost for the next budget would be £ 5.4. 0 roughly.

General and Revenue Secretariat.

File No. 185 of 1925.

Serial No.	
2	Govt. note P. S. 239-S.3/ch. 2.63-26-1 dt. 4.4.27 Passes orders according effect on the recommendations of the Laws' Delays' Committee and directs that the process fees may be raised by 25% all round and the additional realisations may be utilised for giving effect for improvement in the pay of the process establishment
3	Do The Registrar, Civil Court letter no. P. S. 277/ch. 2.63-26-2 dt. 5.4.27 Reports that revised proposals as regards the additional courts, revision of the ministerial and process establishments may be submitted and desires that it is possible to limit the extra cost on account of the revision of the process establishment to Rs. 30,000/-

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

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The Mysore Law Journal

261, CHICKPET,
Bangalore City 26th May 192 7.

No. 2559
Encl. 1.

Spl. Memo No. 272

Encl. 1.

Amin-ul-Mulk Mirza M. Ismail Esq. C.I.E., O.B.E.,
Dewan of Mysore, Bangalore.

Esteemed sir,

Under separate cover I send you, with the best compliments of the Editorial Committee, a copy of the current months's issue of the Mysore Law Journal which contains an editorial comment on the Government Order relating to the recommendation of the Mysore Laws' Delays Committee.

I may venture to mention that there is a strong public feeling, based, so far as we are aware of the present conditions, on real grievances against the proposed increase of the scale of proce fees and the location of the new Munsiffs' Courts - Closepet, Mandya and Hunsur.

I am, of course, sure that the matter wi receive such consideration at the hands of the Gove ment as the strength of the public feeling and the probable inconveniences resulting from the propos measures, deserve.

I am,
Sir,
Yours very sincerely,
C. Nagappa,
Managing Member, Editorial Committee, The Mysore Law Journal.

P.S

1) Letter may be acknowledged
2) acknowledged on 27/5

L. Secy
May I have a short note on this question, so as to be prepared for it in 1st Member)?

27.5.27

27/5

General and Revenue Secretariat.

File No. 191 of 1925.

Serial No.	
1-1 (9)	Increase of the scale of process fees.
	The Laws' Delays Committee in para 316 of their report suggested that as in Madras, the income and expenditure account of service of processes may be treated as a separate fund. That in Mysore there is a large savings of a sum of Rs 36,00 every year, which can be utilised for improvements in the scale of the process establishment; that the charges account of the improvement in the process establishment exceeds the savings, and if the excess cannot be otherwise provided for, the scale of process fees may be suitably enhanced. The Committee also referred to the principle laid down by the Taxation enquiry Committee "that the fees levied in connection with process services should first pay for them and that receipts connected with it should not be included in the general account of the Cost of Civil Justice".
5-2 4	Govt after due consideration have decided that an increase of 25% in the rates of process fees may be made and the additional realisations utilised for

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

pp. F. III—2]

General and Revenue Secretariat. | File No. 181 of 1925.

Serial No.	
	increase of pay of process establishment (Vide page 3, para 6 of GO no. PS (39-53) CS 263-26-1 dt 4.4.27)
534	Location of the new Munsiffs' courts at Coimbatore, Mandya and Hunsur:- The Laws Delays Committee recommended that 3 permanent Courts may be established at Coimbatore Mandya and Hunsur. Govt have accepted the recommendation and have accordingly ordered the establishment of courts at these places (Vide page 3, para 5 of GO dt 4.4.27) Representations have since been received from the people of Bhennapatna, Nagar and Yedatore praying that the Munsiffs court may be located at Bhennapatna instead of Coimbatore and at Yedatore instead of Hunsur. These representations have been sent to the District Court. The District Court in another connection have stated that Mr. Justice C.S. Doraswami Iyer has received various representations from various places as regards the location of these courts and that pending the final decision after the receipt of the report from Mr. Justice C.S. Doraswami Iyer, the question of jurisdic

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

[App. F. III—2]

General and Revenue Secretariat. File No. 161 of 1925.

Serial No.	
	of the additional carts may be kept in abeyance.
	21/5/27
	54 Please type the note portion
	14/6
55	Send with the note typed
	15/6/27

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

App. F. III—2]

General and Revenue Secretariat. No. File No. 161 of 1925.

Serial No.

588 Budget provision. The statement in the article that a sum of Rs.1,40,000 has been ordered to be provided for in the budget is incorrect. It was not possible under the present financial condition to provide to the extent recommended by the Committee. A sum of Rs.1,20,000 was ordered to be provided for, but a sum of only Rs.90,000 has been actually provided in the budget.

59 With regard to the increase in the scale of process fees, it was on the recommendation of the Financial Secretary that the scale of process fees was ordered to be enhanced, vide Flag H in Financial Secretary's note on the proposals of the Laws' Delays' Committee.

Chief Court recommended increase; & D.O. letter was qualified agreement. Flag A

Scales as now proposed are the highest in Bo. India & may be noted for comparison.

582 As regards the raising of the scale of Pleader's fees, the question has been referred to the Chief Court and the receipt of their recommendations is awaited.

17/6

Laws' file

11 With regard to recruitment of judicial officers, the Dewan has been pleased to order that the present practice might be continued.

Laws' file

592 Location of Courts. On a reference to the Chief Court in the matter of fixing the local jurisdiction of the various courts as recommended by the Laws' Delays' Committee, the Registrar, Chief Court in reply stated that during the tours of Mr. Justice

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

9143 C150/53

App. F. III—2]

General and Revenue Secretariat.	05 File No.	61 of 1925

Serial No.	
	C.S.Doraswami Iyer representations were made to him regarding the hardship that will be caused to the people of certain places and that the Chief Court would make suitable recommendations after receipt of his report.
	Secy L.D 15/6
	(6013) Refe Dewan's observations para 3 of 3
	1297 15/6 per minutes. 8A 16/6
	62+5) Please see note 15 16/6
	100 17/6 8A 15/6
	63 For L. D. Comm's report referring to Ch. Ch's Recommendation and reference is invited to L.D. Comm's Report para 317. (Extract FL: W) A Comparative Statement is put up. (FL: Z).
	64 Reference to para 61 of 14 on the previous page.
	I member) 21/6

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat.

File No. 461 of 1925.

Serial No.	
	65) Subs personally to me Member. The man ordered that the ch. ch may be consulted as to the desirability of fixing this rate — a lower rate for S.C. cases & a higher rate for the original suits.
	66. After information is received from the ch. ch, he suggests that the matter may be discussed in the Conference with the judges of the Chief Court which may take place in July next. 28 21/6
	67 Send into a draft. By 22/6.
	In the file will be required for discussion at the L.C. 28 22/6.

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat. | No. File No. 181 of 1925.

Serial No.

From

The Reg: Chief Court.

Letter no Roc 991 J. 13.6.27.

Forwards proposals for the revision of the scale of the Powers establishment limiting the extra cost to Rs 29,633/5 per annum.

Noted

by A provision of Rs 9,000 only has been made in the budget with a view to give effect to the reforms from 1st October 1927 instead of from 1st July 1927. The grades proposed seem suitable and may perhaps be given effect to from 1-10-27. In the meantime, the Chief Court may perhaps be asked to forward draft notifications raising the Powers fees by 25% all round as per P.O. of 4.4.27. In this connection kind reference is invited to T members order (Paras 65 & 66) supra. If the Powers fees are not to be raised by 25% all round, Govt would have to meet the cost of the proposed revision of the Powers establishment from the General Revenues, unless the extra cost is to be reduced to the actual

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

[pp. F. III—2]

General and Revenue Secretariat. | No. File No. 161 of 1925.

Serial No.

realisations by the increase of fees in regard
suits instituted for orders

5/7/27 70. Immediate to
Ch. Ch & Vacation
6/7

70

Mr. Regr. Bhagalpur
Letter no 151 dt 6.7.27

Requests the opinion of the
Chief Court as to the
desirability or otherwise of fixing
two rates of process fees — one for the
small cause courts and the
other a higher rate for the
other courts.

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat. | of File No. 87 of 1926

Serial No.

71) Proposals have been sent up for the reorganization of the ~~proposed~~ establishment of the Civil Courts in the State. Comparing with the original proposal ~~made~~ (Flag R) it will be seen that the ~~proposals~~ grade pay of Nazirs as now proposed is Rs. 35-3-50 while the one formerly proposed was Rs. 40-3-50. With regard to Amins the present proposal is Rs. 20-1-26 whereas the former proposal was Rs. 20-1-28. With ~~re~~ regard to the Process Servers the present proposal is -- Rs 11-½-18 while the former proposal was 12-½-18. The extra sum required per annum is shown as -- Rs.29,633 3/5. The cost is therefore limited to the sum of Rs.30,000 fixed by Govt. in their letter to the Chief Court. It may also be pointed out that the Nazirs who are now included in the Clerical -- establishment of the court have now been included in the Process Servers establishment. The Registrar in his letter says that the lower scale now proposed is due to the fact that the sum provided for the reorganization of the Process establishment was limited to Rs.30,000. The proposal may perhaps be sanctioned and the Financial Secretary may be consulted.

72) 370/12/7 Dewan has promised to consult the Ch. Ct. regarding the enhancement of P. Fees. Please put up the proceedings of R.A.T.C.

NOTE—Contn. sheet 8

73) 7-7 Sd. Sqn. Ldr. 8/7 Sd. Sqn. Ldr. 11/7/27.

74) 6/7 Dewan has promised to consult the Chief Court with the question of not raising fees in municipl courts.

75) Matter considered at Joint meeting 11.7. 13/7 13.7

OFFICE OF THE SECRETARY 8. JUL. 1927 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

WD 2293—GPB—10,000—4-5-27

III—2]

al and Revenue
Secretariat.

No File No. 161 of 1925

Serial No.

Subd:

76 It is a point for orders whether the revision of the process establishment is also to be considered in the joint meeting along with the question of not raising process fees in Munsiff's courts.

2617 77 Yes please do it

Draft d/s in locked file

2617

To.

Herewith Chhapparband-

Letter no P.S.-187/IS-263-25-1 dt 48.27

States that the question of the revision of the process establishment and increase in the rate of process fees also will be considered in a joint meeting with the Judges of the Chhapparband along with the report on the question of permanent period and annual functions

Subd

Notice Conference with the Hon'ble Minister.

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat. | File No. 181 | of 192 5-26

Serial No.

Fl 789
24.9.27

of the Chief Court. It was decided that the scheme of the Chief Court for the reorganisation of the Process establishment at an extra cost of Rs 3,000 may be sanctioned and with a draft-

2819 So the Chief Court has submitted proposals for reorganising the Process establishment. Orders sanctioning the proposals are submitted

(Secretary)

First Member

Chief Secy.

CHIEF SECRETARY,
23 SEP. 1927.

(Judicial Secy)

I think the proper statement has been verified by the Comptroller before [illegible] can be issued

[illegible] may be submitted.

COMPTROLLER'S OFFICE
27 SEP. 1927
GALORE

NOTE—Contn. sheet

Dy. Comptr. will complete for perusal.

2 vernacular

S 46326 39

App. F. III—2]

General and Revenue Secretariat. | do File No. 161 of 1925.

Serial No. 85

V.O 582 Books d/ 29.9.27

V.O Nr. 122 8/pr 27

Returned with compliments duly verified.

86 2. According to the particulars given in the statement, the extra cost involved by the proposition if sanctioned, will be an addition of Rs. 2,288 23/60 per mensem or Rs. 27,460 3/5 per annum to the permanent recurring expenditure of the State.

87 The actual amount that would be utilised during the year 1927-28, for giving effect to the proposition, out of the lumpsum grant of Rs.90,000/- has not been mentioned.

GEN. & REV. SECTT. 1 OCT. 1927 FINANCIAL BRANCH.

A. Raghavachar
For Comptroller.

The Financial Secretary to the Government of Mysore, Bangalore.

F 789

When was this all this time?

PR 14/10

Sir

This was submitted to you on 1.10.27.

M 17.10.27

Are minutes of this not been put up

PR 17/10

21329.9

Fl. Secy for perusal

PR 14/10/27

5838 17/10

88 May issue (Sanctions for the delay in the Fl branch) 4 17.10.27 PR

Fol R. Cy with compliments

89 Is this not a Council matter? 17.10

17/10

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

5453/38 60

App. F. III—2].

General and Revenue Secretariat. | (Y File No. 181 | of 192 5-26

Serial No.

Secd.

So this is a cancel matter, as it involves a material revision of establishment.

18/10 A 18/10

(Secy (L-D)) 18/10

DEWAN'S OFFICE.
Received on
19. OCT. 1927
Reg No. 2663.

91 may be disposed of by circulation

Dewan

18/10

18/10

No
19-10-27

1st Member

2nd Member
&
3rd Member.

20/10

21/10

Confirmed

21/10/27

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

41.

No. C. 134.

of 1927-28

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Re-organization of the Process Establishment of the Civil Courts in the State.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

21st October 1927. Chief *Secretary to Government.*

Extraordinary Member of Council.

3246/1-2-10

First Member of Council. 1-2-10 92 For favour of a Final Note.

2166/2240

Second Member of Council. 23-10-27 FIRST MEMBER.

3602/25/10

Third Member of Council. 25/10 98 Formal note signed by the members is placed in file.

GPB—1,000—28-8-14

DEWAN'S OFFICE.
Received on
29. OCT. 1927
Reg. No. D872

3302/27/10 28/10. D.S.N. Subs. 28/10 Dewan

Final Note by the First Member of Council.

Subject :—

Reorganisation of the Process establishment of the Civil Courts in the State.

95 The Chief Court have been urging upon the attention of Government for some time past, the necessity for improving the pay and prospects of the process establishment of the Civil Courts in the State. The Laws Delays Committee also recommended that the proposals of the Chief Court might be approved. In view of the financial position, the Chief Court were asked to send up revised proposals limiting the extra expenditure to Rs.30,000 per annum. The proposals now sent up by the Chief Court involve an extra cost of Rs.27,460$\frac{3}{5}$ per annum. This extra expenditure is expected to be covered by the 25 per cent increase made in the process fees.

96 The proposals of the Chief Court have been agreed to by the Dewan and the Members of Council.

97 I solicit the gracious approval of His Highness to the proposed revision of the process establishment.

K. Chandy

FIRST MEMBER OF COUNCIL.

Bangalore,
28th October 1927.

Submitted to His Highness.

I submit herewith a Final Note by the FIRST *Member of Council on the subject of* re-organisation of the Process establishment of the Civil Courts in the State, *for His Highness' gracious approval.*

Mirza M. Ismail

Dewan.

29-10-27

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Re-organisation of the Process Establishment of the Civil Courts in the State.

263

99 **Order.**

~~KRW~~

1/11/27

100 C. Secy

Sd

2-11-27

Secy
2/11

5443/26

45
C 134

G. R. S. III-2]

General and Revenue Secretariat.

No File No. 161 of 1925

Serial No.

Re-organisation of the Process Establishment of the Civil Courts in the State.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

(1) Circulated to the Members of Council for perusal of

His Highness' orders $\frac{\text{before}}{\text{after}}$ * issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

D. MacRae 9/4

Chief Secretary to Govt.

Through the Secretary to Government,

.....Law.....Department.

8/4/24

FIRST MEMBER OF COUNCIL.

SECOND MEMBER OF COUNCIL.

THIRD MEMBER OF COUNCIL.

NOTE—Contn. sheet.

Mono WD 1335—GPB—500—16-1-23.

General and Revenue Secretariat. | Ch. File No. 161 of 1926

Serial No.

Ld.

A/ 102 May the draft issue and the file thereafter be circulated for perusal of H.H's orders

3583/4.11

B 3/11/27 103 H: may be done

I member) 4/11

104 5/11/27

5/11

H: Com 655

105 Jud. Secy: has agreed.

Draft and Fair are sd.

7.11.27

7.11.27

106 Communicated in H. Com 655

To 8.11.27

The Registrar Chief Court

The Comptr thro' Fd Secrt

Roop 2368-9 D 7-11-27

Sanction reorganization of the Process staff of the Civil Courts in the State with effect from 14-10-27.

NOTE—Contn. sheet

2375 pgy.

App. F. III—2]

General and Revenue Secretariat. | No. File No. 161 of 192 6

Serial No.	
	Endt
	(7) Consequent on the establishment of additional civil courts and the revision of the jurisdiction, appeal and allocation of the powers staff among the various courts is necessary and the Bhiwani court have forwarded an allocation statement showing the distribution of Powers Staff concerned. In the calculation of cost, the average taken by the Bhiwani court does not tally with the average furnished by the comptroller and the total cost consequently exceeds the cost sanctioned by govt as per comptroller's figures in fo. 7-11-27. If approved the statement may be sent to the Bhiwani court for revision of the cost as per calculation of the comptroller. Submitted with a draft
	(8) In the allocation statement the cost is shown as Rs 24633/5 p.a. whereas in the fo. of 7.11.27 the cost sanctioned is Rs 27460/5 p.a.
	(9) The Ch. Ch may be requested to revise the statement according to the cost sanctioned. Draft submitted

NOTE—Contn. sheet.

General and Revenue Secretariat. | No File No. 181 | of 1925.

Serial No.

To the Asst. Ch. Cl
M.P.-2538 of 16/11/27
Returns the statement
& requests that the costs may be worked
up as per calculations in the G.O.
of the 7th Nov. 27 & that the state-
ment returned with three extra
copies

Sent

From

the comptroller. Letter no 719/7024 of 17/11/27
requests that a detailed scale of establishment
allowed for each of the additional courts, both
clerical and process servers may be sent and
enquires whether the increments to process servers
is at the rate of annas eight per year or Re 1/-
for every 2 years.

Sd

(12) the Statement showing the scale of
establishment for process servers has been
returned to the Chief court for calculation
of cost and retransmission. In that statement
the scale for the new additional courts is also
included.

(13) The increment for the process servers is
at the rate of eight annas per year. Vide Reg 6

~~Sd~~ Asst

B
24/11/27

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

25-21
2542

69

General and Revenue Secretariat. | C/ File No. 181 of 1925 : 26

Serial No.

From

The Regr Kheiri Court

Letter no Nil 545 of 21.11.27

forwards a revised Statement of the
Scale of process establishment of the Civil
Courts as per Khairiagarh the extra cost as per
calculation made in the Ro. of 7.11.27
114 Sent with a draft Ro. -

23/11/27 Apr 24/11

115 Please type the draft.

Typist 24/11

22/11

116

Sent with typed draft for approval

24/11 Apr 24/11

4298 25/11

Legd-D) 24/11
12th Nov. Draft may be app 25/11

25/11

Nil 26/11

26/11

H. Com 832.

Draft and Fair are subs.

Cys 1.12.27

H. A: Verify the Ext with the Fair Copy & Comm. as approved

2/12

Communicated in H. Com 832

31/12/27

NOTE—Contn. sheet.

WD 0324-GPB-60,000-24-5-27

General and Revenue Secretariat. | No. File No. 181 of 1925.

Serial No.	
5	Re Aug. Cadet - Comps (?) Rep 2903-4 of 1/12/27 Approves of the allocation proposed by the Chief Court.

Recd 8/12

NOTE—Contn. sheet.

WD 0324 -GPB—60,000—24-5-27

29823 U. 181-25-1 2824/925 1959

CHIEF COURT OF MYSORE

Bangalore, dated 9th Jan. '26

Telegraphic Address. "JUSTICE"

No. C. No. 839 25-26

FROM

A. SREENIVASARAGAVACHARI, Esq., B.,A., B.L.,
Registrar, Chief Court of Mysore.

GENL. & REV. SECTION
BR.
12 JAN 1926
G. D. SECTION

To

B. Nagappa Esq., Bar-at-Law.
Secretary to the Government of Mysore,
Local and Legislative Departments,
Bangalore.

SIR,

141 - G 1871

I am directed to invite kind reference to the correspondence ending with my letter No. R.O.C. 48/22-23 dated the 11th April 1924 in the matter of the re-organization of the Process Establishment and to state that the proposal is being considered by the Mysore Civil Justice Committee and to request that Government may be pleased to instruct the Comptroller to make necessary provision in the Budget Estimates of 1926-27 pending recommendation

41282

3742

1905

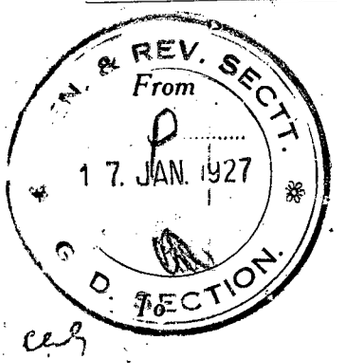
3

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 10th January 1927

R. O. C. No. 839
Dis. 25-26



A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

B. Nagappa, Esq., Bar-at-Law.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Local & Legislative Departments,
Bangalore.

Sir,

I am directed to invite kind reference to the marginally noted correspondence on the subject of improving the pay and prospects of the Process Staff attached to the Munsiffs' Courts in the State and to state that the question has been pending for over three years and the Laws Delays Committee have also approved the proposal made by the Chief Court in this behalf.

1. Letter No. ROC.48 of 22-23 dated the 14th April 1923 from the Registrar, Chief Court to the Secretary to Government, Local & Legislative Departments.
2. Letter No. P. 5613/Cts.226-22-7 dated 4th April 1924 from the Secretary to Government, Local & Legislative Departments to the Registrar, Chief Court.
3. Letter No. ROC.48 of 22-23 dated the 11th November 1924 from the Registrar, Chief Court to Secretary - Government Local & Legislative Departments.
4. Letter No. ROC.839 of 25-26 dated the 8th January 26 from the Registrar, Chief Court to Secretary - Government Local & Legislative Departments.

In the above circumstances I am to request that - Government may be pleased to accord sanction to the proposal with effect-

effect from the 1st July 1927 at least and to instruct the Comptroller to make necessary provision in the Budget Estimates of the Official Year 1927-28.

I have the honor to be,
Sir,
Your most obedient servant,

MVinayagamoorthy
For Registrar.

MNA.

Chapter XVII.

SERVICE OF PROCESSES.

X X X X

312 It will be observed that the fundamental idea of the scheme suggested by the Chief Court for improving the efficiency of the process servers by the offer of a bonus in addition to the pay is that it should serve as an incentive for better and more effective service. The Scheme is that for every additional processes effectively served or executed by a process server over

and above a standard minimum number, he should be paid a bonus. The amount earned by a process server during a month will be more or less in direct proportion to the number of processes effectively served or executed by him; we have been well impressed with the scheme, and think that it should be given a fair trial. We agree with the Chief Court that a system of exclusive bonus without a retaining pay will not work well in practice. The process servers should get whatever pay is fixed for the appointment and that in any case he must serve the standard minimum number fixed by the Chief Court, and the bonus is intended as a reward for more and better class of work. The standard minimum number to be effectively served by a process server, and the rate of bonus to be paid to him are matters that depend to a large extent on the locality of the court and the amount that can be made available for payment, and we would prefer to leave these details to the Chief Court.

313 Also the pay and prospects of the process establishment require revision. Their present pay is as follows :--

Process Nazir .. Rs.40 and 35 per mensem.

Amins, I class	..	Rs.23 per mensem.
" II class	..	Rs.18 per mensem.
Process Servers:--		
I class	..	Rs.11 per mensem.
II class	..	Rs.10 per mensem.

314 The work that a process server or amin is called upon to perform is very strenuous. He has to cover long distances often on foot, exposed to the inclemencies of the weather and is obliged to be absent from his home and head quarters for the major portion of the month. Unlike other departments, he gets no travelling allowances. If the present day cost of living is taken into account, the scale of pay given to the process staff is very inadequate. That to avoid meeting his travelling expenses out of his salary he gets it, often from the parties to the suit, is not without foundation.

315 The complaint is that the remuneration earned even by unskilled labourer is in some cases more than the pay that is received by a process server. If we are to expect any improvement in the class of recruits to the process establishment, as well as a higher standard of uprightness and efficiency on their part, it is absolutely

necessary that their scale of pay should be adequately raised. In this matter we are in general agreement with the recommendations of the Chief Court.

316 We are aware that the suggestions we have made will involve additional expenditure and we have not been oblivious of these considerations in suggesting the improvements. It is understood that a surplus on an average of about Rs.36,000/- a year is left after meeting the cost of the process establishment. The fee levied from the litigants for the service of processes is in the nature of a special fee. In Madras the income and expenditure on account of the service of processes forms a separate head called "Process service Fund". Our view ~~xkxk~~ also is that this should be treated as a separate fund ; and it receives support from the fact that power is given to the District Judges in Mysore as in Madras to automatically reduce the number of peons in any process establishment whenever the average falls short of the prescribed minimum by more than ten per cent. The Indian Taxation Enquiry Committee in their Report have laid emphasis on the principle that the fees levied in connection with

process services should just pay for them and that receipts connected with it should not be included in the general account of the cost of civil Jusitce. The sum of Rs.36,000/- which represents the average savings per year for many years past, may, in the opinion of the Committee, be devoted as far as they would go for carrying out the improvements to the process establishment suggested by us.

317 The Chief Court have proposed an enhancement of process fees for the purpose of providing for the increased expenditure involved in their Scheme, and have incidentally observed that the present scale of process fees levied in Mysore is less than the scale in some parts of British India. We are however of opinion that the savings under this head should, in the first instance, be devoted exclusively in carrying out the improvements suggested by us, and any surplus expenditure, if otherwise cannot be provided for, may be met by the scale of process fees being suitably enhanced. For reducing the laws' delays, an efficient service of process being absolutely essential, we trust that it would be found possible to meet the extra cost which our suggestions will necessitate.

APPENDIX TO CHAPTER XVII.

* * *

Letter No.R.O.C.48/22-23 dated the 14th April 1923 from the Registrar, Chief Court of Mysore to the Chief Secretary to Government.

I am directed to advert, in the first instance, to the General Secretary's letter No.P.4-Cts. 308-21-1 dated the 1st July 1922, in which the Chief Court was requested to take necessary action to minimise the corruption prevalent among the members of the process staff attached to the Civil Courts of the State.

2. A Circular enjoining stricter control over the work of the men was thereupon issued, pending a detailed examination of the general question of the improvement of process service. The Government are not unaware that presiding Judges are as a rule hard worked officers with plenty to do in the way of judicial work proper; and though of course they are expected, and quite rightly, to exercise a vigilant control over their establishments, there is a limit in practice to the extent of effective supervision

possible over the actions of a class of ill-paid and more or less undisciplined men whose work lies for the most part beyond the precincts of the Court house. The evil under reference is much too extensive and deep-seated to be capable of being remedied by a mere system of warnings and punishments. Much more thorough and radical measures are needed, not only to minimise corruption, but also to place the machinery as a whole on a reasonably efficient footing.

3. The general question, in regard to which the proposals of the Chief Court were called for by Government in the General Secretary's letter No.P.5013 (1) - Cts. 76-22-4 dated the 12th December 1922, was accordingly taken up for consideration. The outlines of a tentative scheme of reform were drawn up and sent round to all the subordinate judicial officers in the State for detailed criticisms and suggestions; and when these were received, the scheme was further revised and elaborated in the light of them.

4. The subject of process reform was also brought forward at the recent Mysore Lawyers' Conference at Bangalore, and by it referred for disposal to its Standing Committee consisting of leading lawyers

representative of all the Districts and including the Government Advocate as President. The opportunity was accordingly taken to invite these gentlemen to discuss the subject informally with the Chief Judge on the 12th of the current month; and the invitation was readily responded to, and Mr. Justice Subbanna was also present. The details of the proposed scheme were thoroughly discussed with the gentlemen present, with the result that they were all of them in general agreement with the scheme, and had only two or three alterations to suggest on relatively minor points, which were all accepted on behalf of the Chief Court. A copy of the written communication received from the President of the Standing Committee on the subject is enclosed for information.

5. The Judges feel confident that the scheme as it now stands will make for a marked improvement in the purity and efficiency of the machinery of process service; and accordingly they venture earnestly to hope that the Government will accord their approval to its adoption with effect from the coming official year.

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6. Portions of the scheme are based on or intended to supplement the existing rules, and others consist of subsidiary instructions which the Chief Court is itself competent to issue. The points upon which the specific orders of Government are required are the following :--

(1) Para 9. Pay of the process staff to be revised thus :--

Amins, Rs.20 to Rs.30 per mensem by annual increments of one Rupee; servers Rs.12 to Rs.18 per mensem by annual increments of half a rupee.

Grant of a cycle allowance of Rs.5 a month to every man who keeps a bicycle for duty.

(2) Para 10: Grant of a bonus for every additional process over and above the standard minimum number, effectively served or executed, at the rate of 4 annas per summons or notice and 8 annas per warrant, beyond a radius of 10 miles from the court,-- to be increased to 6 annas and 12 annas respectively in the Malnad; and half of these amounts for service or execution within that radius. An emergent

process to be computed as equivalent to two ordinary processes of the same kind.

(3) Para 13. Discontinuance of the practice of employing process servers as orderlies (at 3 for each court) and an increase of the menial establishment proper of each court by two men on Rs.11 each, the result being actually a retrenchment to the extent of Rs.7924-12-10 per annum as shown in the*margin.

*Pay of 78 process servers to be abolished at 12-½-18 each ..	..	Rs.14,788-12-10
Pay of 52 peons to be added at 2 each civil court at 11 each ..		Rs. 6,864- 0- 0
Net savings ..		Rs. 7,924-12-10

(4) Para 15. Instructions to village officials in the matter of attesting endorsements on processes, and rendering other assistance where feasible to the process staff.

(5) Para 17. Each process Nazir to be paid an allowance of Rs.15 per mensem, pending a general revision of the ministerial establishments of Civil Courts as a whole, and to be given the help of an Assistant Nazir on Rs.25.

(6) Para 20. The form of work ticket to be revised; and also additions to Registers Nos. B and XX.

(7) Para 21. Bonus amounts to be drawn on quarterly bills signed by the presiding officers.

(8) Para 23. The rate of process fees to be revised as in the enclosed draft notifications, which also deals with the remuneration of the process staff, as provided in Section 29 of the Court Fees Regulation. It may be explained that in British India higher rates of fees, more or less on the scale now proposed, are levied in District Courts and Subordinate Judges' Courts, while lower rates corresponding to the present rates are levied in Munsiffs' Courts, and Courts of Small Causes. This, however, is not a satisfactory ~~arrangement~~ arrangement, and ignores the fact that the trouble of effective service is the same, whatever may be the court issuing the process, or the case in which it is issued. The proposal now made not only retains the existing uniformity of scale, but also secures certain advantages to parties as explained in the body of the scheme.

(9) Para 31. Inclusion of process fees and batta under taxed costs, in cases where service has been duly effected otherwise than through Court.

7. A proposition statement is enclosed showing the financial result of the proposals of the Chief Court, as far as it can at present be forecasted. They involve, approximately, an increase of the receipts from process fees by Rs.1,20,768 and an addition to the recurring expenditure to the extent of Rs.53,020. Since the Process Nazir and Assistant Nazir are also officials employed in connection with the service or execution of processes, the whole of the additional expenditure (with the exception of the pay of the two men to be added to each court's menial establishment) is properly debitable to the revenue from process fees. This, it may be observed, is really a fund meant for the special purpose of meeting the cost of serving and executing processes, and as will be seen from the figures given in Statement A, it has been yielding a steady and continuous surplus since many years. There is therefore every justification from the financial

as from every other point of view, for incurring an addition to the recurring expenditure on an important scheme which, there is reason to believe, will usher in a new era of efficiency in the working of the process service Department.

* * *

II. A SCHEME FOR THE IMPROVED WORKING OF THE PROCESS DEPARTMENT.

A good deal, often the greater part, of the delay in the disposal of civil cases in courts of first instance is due to the time occupied in getting parties and witnesses to attend and place their pleadings and evidence before the Court. This, the preliminary work, takes up very much more time as a rule than that required for the court's primary function of ascertaining the points in dispute, recording the evidence tendered, and pronouncing its decision in the case.

Then comes the stage of enforcing the final decision, and here again it is a general complaint that execution proceedings are tedious and protracted, and too often infructuous in result. It is not

always realised that the machinery at the disposal of civil courts for this purpose is at best a cumbrous one, and that it is not possible in a civilised state of society to deal with judgment debtors as if they were convicted prisoners. Apart from the question how far the system of execution is in itself capable of reform, better results can only be achieved in practice by a material improvement in the constitution and working of the process department combined with increased diligence and co-operation on the part of decree-holders.

2. The primary causes of the delay that at present marks the preliminary, no less than the final, stages of litigation may be said to consist in the inertia of suitors and the inadequacy of the official agency.

3. It must also be confessed that the assistance received at those stages from the pleaders who represent suitors is, as a rule, disappointing. Not to speak of the constant applications for adjournment made often to suit their private convenience, pleaders do not sufficiently avail themselves of the facilities that exist for quicker

and more convenient despatch of work. To mention one instance, the provisions contained in Order III of the Civil Procedure Code are practically ignored, and time is taken up in the service of notices on clients personally which might and should be avoided were service on recognised agents and pleaders more systematically resorted to. Judges are expected to see that the provisions in question are utilised to the fullest extent.

4. As regards want of diligence on the part of suitors, it is common knowledge that they often wait for months together before they apply for summonses to their witnesses, and not infrequently they neglect to present the requisite process memos in court till a very few days before the date of hearing. It is inevitable under such a loose practice that some at least of the witnesses are not served in time; and this is made an excuse for obtaining an adjournment, which too often is granted as a matter of course. Presiding officers must guard against the indiscriminate grant of indulgences of this kind, and must not proceed upon the principle that the payment of the adversary's costs is always

sufficient reparation for gross negligence.

5. The non-appearance of witnesses is sometimes due to the fact that witnesses duly summoned are advised by a party not to attend court because the day fixed for attendance does not suit his convenience. If this is done without previous application to the Court for a change of date, it is improper, and can be checked by the court requiring the witnesses to show cause why they should not be proceeded against for disobeying a lawful order of the court.

6. Parties however are not always to blame. The preparation of processes for service is sometimes delayed in court for causes such as pressure of work and the insufficiency of the permanent advance with the Nazir. There is also occasionally some delay on the part of the process staff in returning the processes to court after service; but what is more serious is that the so-called service is often no service at all, or is defective and unsatisfactory, necessitating the issue of fresh processes. The insufficient number of servers available to deal with the quantity

of processes requiring to be executed is very rarely the real explanation, seeing that the rules even now permit of the strength of the process establishment being regulated according to the quantity of work to be done, in the proportion of one amin for 150 processes and one server for 400 processes a year.

7. It is a common criticism which, though probably exaggerated, is not without foundation, that the process staff is corrupt and inefficient. Its members have been described as the most undisciplined body of public servants to be met with. This branch of the service has in fact never attracted a propertype of men, on account of the arduous nature of the work, the low pay, and the limited prospects of promotion. Even the small addition recently given is not sufficient to meet the present high cost of living. There is every reason to think that better results might be expected if the members of the process staff were more adequately paid, and paid at least in part by the work turned out by them so as to promote incentive, and afford opportunities to the men to augment their emoluments in legitimate ways by hard and honest work. An increase of emoluments will not of

course by itself prevent corruption altogether or otherwise secure ideal results; but, coupled with close, continuous and systematic supervision, it will certainly go a long way to promote increased efficiency.

8. Appointments of process servers will be confined to literate persons only, preference being given as at present to those who have passed the Lower Secondary Examination in Kannada. Appointments of amins should be made as far as possible by promotion of deserving and qualified members of the servers' grade, and in other cases by the selection of competent persons who have passed at least the English Lower Secondary Examination. The possession of a good physique should be an important consideration in the selection of both process servers and amins.

9. In lieu of the existing scale of salaries based on grades, the pay of the process staff will hereafter stand as follows :-

Amins. Rs.20 to Rs.30 by annual increments of one Rupee;

Servers. Rs.12 to Rs.18 by annual increments of half a Rupee.

The increments will not be granted as a matter of course, but can only be earned by consistent good work throughout the year, which will depend upon a man satisfying the twofold test of quantity and quality laid down in the next para and upon the absence of black marks of any kind. On the other hand, any marked deterioration in the outturn of work as gauged by the same test will entail the forfeiture of one or even more than one of the increments if any previously earned.

Every man who keeps a bicycle for use on duty will be given a cycle allowance of Rs.5 a month.

10. In addition to pay as above, each [illegible] and server will also be entitled to a bonus (or commission) varying with the outturn of work.

The presiding officer of every civil court to which a process establishment is attached will prepare by the beginning of each official year, and maintain subject to the approval of the Chief Court, a standard statement based on the figures of that court for the three previous years showing

the average number of processes of each class issued for service to each process server and amin, respectively, during the four successive quarters of a year, and the proportion of "effective" service actually attained during each such period.

For the purpose in view, it will be sufficient to divide processes ~~broadly~~ broadly into two classes :-

a. Summonses and notices of every kind to be served on parties and witnesses, including notices of injunctions, orders, etc.

b. Warrants of every kind to be executed, including warrants of arrest, attachment, and delivery, sale warrants and the like.

Every process server and amin is expected to reach and if possible to excel the standard minimum of efficiency, both as regards the number of processes served by him, which shall not ordinarily be less than 150 in the case of an amin and 400 in the case of a server for a year, and as regards the proportion thereof "effectively" served, which shall not in any case be less than 70 per cent in the maidan and 65 per cent in the malnad of the total number entrusted to him.

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The fundamental idea of the scheme is to improve efficiency by the offer of a bonus, so that there may be an incentive for better service, and not simply to pay more for the sort of work that is being donn even now. Accordingly, for every additional process, over and above the standard minimum number, "effectively" served or executed by a man on the staff, beyond a radius of ten miles from the court, he will be entitled to a bonus of 4 annas per summons or notice and 8 annas per warrant, these rates to be increased to 6 annas and 12 annas, respectively, in the Malnad. Half of these amounts will be allowed for service or execution within the radius of ten miles. For every additional summons, notice or warrant "effectively" served or executed in one and the same place or within a distance of three miles thereof, the bonus will be a half of that allowed for the first. On the other hand, in calculating the number of processes served, notices, etc. issued to court officials as guardians, and to pleaders on behalf of their clients, will be omitted. Each emergent process served will be computed as equivalent to two ordinary processes of the same kind.

11. It will be seen that the standard fixed above, based as it is on figures actually attained in the past, takes sufficient stock of varying local conditions, such as nature of country (Maidan or Malnad), distances to be traversed, state of communications, etc.; and accordingly no further allowances will ordinarily be necessary on those accounts. Where an amin or process server is transferred from one court to another in the course of a quarter, a very slight adjustment of the standard may sometimes be necessary, but this can usually be made without difficulty.

12. In order that the arrangement indicated above may be worked equitably and methodically, it is very essential that the processes available for issue from time to time to each branch of the staff (amins or servers), are distributed fairly and equally among the members of that branch, so that every man on active duty throughout a given period of not less than a quarter of the year, may have as nearly as possible the same aggregate amount of work to do, -- not only numerically but also as regards difficulty of service or execution, --as every other man. And, in particular, each amin and server should be sent out

in strict rotation to all the taluks or circles within the court's jurisdiction during the course of every quarter. To ensure this the distribution Register of the process Nazir should be checked carefully and initialled by the presiding Judge at least once a month.

Transfers from one court to another of men who have been too long in the same station, should also be made from time to time under the orders of the District Judges concerned or of the Chief Court.

13. The practice of employing process servers on orderly duties, though at present permitted by the rules, is for several reasons undesirable. Not only does it involve a use of the process fund for other than its legitimate purpose, but it often stands in the way of a perfectly even distribution of work among the members of the staff. The practice will accordingly be discontinued, and separate provision will be made for the performance of orderly and guard duties by an increase of the menial establishment of each court by two men, on Rs.11 each per mensem.

14. In working the new arrangement, a non-coercive process (to party or witness) will be deemed to be "effectively" served

only if it is served personally or in the precise manner directed by the court. Coercive processes (warrants, etc.) will be deemed to be "effectively" executed only when that which is directed is done completely, or substantially completely.

To be more specific, "effective" service will mean only,

(1) service of summons, notice, or interlocutory order, personally on the party or person concerned;

(2) actual arrest, attachment of moveables and immoveables, and delivery of property;

(3) service in the precise manner directed by the Court, where substituted service is ordered;

(4) publishing of sale proclamation within the time prescribed;

(5) sale of property on spot (but not at the Court house);

(6) execution of warrant, where the decree debt is realised in the course of executing the warrant so as to obviate the necessity of further enforcing it;

(7) when the server or amin entrusted with the process is ready to effect service but is prevented from so doing by the party at whose instance it was issued for any reason of his own, and he endorses to that effect on the process; as for instance, that the case has been settled out of court, or that time has been granted to the debtor for payment.

It does not include "refusal to accept service" unless the fact of refusal is vouched for by unimpeachable evidence. The attestation of the endorsement on the process by the party applying for process or by a village officer or of two or more respectable and literate persons, should be insisted on in all such cases.

15. Representations have been made to the Chief Court by subordinate Judicial Officers that village officials sometimes refuse to attest endorsements on processes, or to render other necessary or possible help, such as the identification of persons or immoveable property, or the arrest of recalcitrant debtors. It seems desirable that strict general instructions should be issued to village officials defining their duty in this respect; the matter will accordingly be placed before Government for such action as they may deem fit to take.

In the meantime, presiding officers may bring to the notice of the Deputy Commissioners concerned (through their District Judges) specific instances properly vouched for, of neglect or refusal to co-operate.

16. It has been brought to notice that batta amounts are sometimes temporarily misappropriated by servers, with the result that the processes in such cases are not returned in time; and it is suggested that all such amounts deposited by parties may be retained in court and paid to witnesses after they attend and given evidence, as is the practice in criminal cases, instead of being entrusted to process servers. The suggestion is not without much force; but it involves an amendment of Order XVI, rule 3, and will therefore be dealt with separately.

17. A good deal of the efficacy in practice of any arrangements that may be devised for improved process and execution work is dependent upon regular and continuous supervision. Process Nazirs must be men specially selected for their aptitude for the office, and not merely by reason of their seniority or acquaintance with routine. Upright, intelligent and of methodical habits they needs must be; but it is

of the first importance that they should be both fair and firm in their dealings with the members of the process staff, able to handle the men tactfully and at the same time enforce discipline without undue fuss. A process Nazir's power for good will depend to a large extent upon how far he deserves and is able to retain the confidence of the presiding Judge; upon this point it is only necessary to say that, while a process Nazir ought certainly not to be left altogether to himself and must ever, like other subordinate officials, remain under the vigilant control of the head of the Office, it is not good policy to make too much of the complaints and insinuations to which process Nazirs in virtue of their position are peculiarly exposed, both from members of the process staff and from outsiders, unless and until at any rate the same are properly sifted and proved to have a foundation in fact. The place is truly a responsible one and the work arduous; the emoluments must therefore be fixed correspondingly; this however can only be properly done in connection with a general revision of the ministerial establishments of civil courts as a whole. Till then

process Nazirs will be given a charge allowance of Rs.15 per mensem; such an arrangement has the advantage that it will easily allow of incompetent men being immediately replaced by others. Each court will also have an assistant Nazir on Rs.25 to help the Process Nazir in his heavy work. The permanent advance of the Nazir will be increased from Rs.200 to Rs.300, and will be supplemented whenever necessary by special advances as provided by the existing rules.

18. The control of the working of the process establishment cannot of course be left solely in the hands of process Nazirs. Presiding officers of courts are expected to scrutinise systematically the nature of the service effected in connection with cases (original, miscellaneous, execution, or other) coming before them for disposal every day. But in addition to this, it is essential that a few hours should be set apart some one day at least every month, preferably the last Saturday, for the special purpose of checking the work of the staff, with particular reference to points such as the following :--

(i) Delays on the part of the process Nazir in distributing processes;

(ii) The equal distribution of processes among the staff;

(iii) their fair distribution having regard to the places and distances at which the processes are to be served or executed;

(iv) non-return of processes on the due dates or excessive delays in their return;

(v) checking of entries as to effective service in the Register No.B (some entries taken at random will suffice) by reference to the work tickets;

(vi) neglect of duty by servers, such as refusal to attempt to serve merely because a "pointer out" is not supplied. Here it must be observed that, while it is no doubt to the interest of parties to co-operate in the service or execution of process, if they are disposed to do so, this is not obligatory on them; and that servers for their part should be made to understand that they are expected to serve processes of their own initiative instead of waiting upon the party on whose behalf the processes are issued.

(vii) explanations of servers whenever the percentage of effective service falls below the standard minimum.

19. Unsatisfactory work (which includes failure to reach the standard for a consecutive period of three months or more) should be suitably noticed; and, where there is reason to suspect malpractice, suspension, degradation or even dismissal may have to be resorted to, according to the requirements of the case. When making promotions, it should be borne in mind that the sole and essential condition of a man's claim to preference is efficiency as determined by consistently good and honest work in the past; and, conversely, a man whose antecedents in this respect are unsatisfactory should be rigorously passed over.

20 (1) The form of process servers' work-ticket will be revised as shown below, and will consist of foils and counterfoils perforated in the middle, a hundred forms or more being kept bound together in a book. The counterfoil will be filled up by the process Nazir, and, after obtaining the acknowledgment on it of the amin or server concerned, will be retained by him for reference. The foil will be handed over to the amin or process server, who will make the necessary entries as soon as each process is served, and return the foil to the process Nazir along with the processes as soon as he comes back to headquarters. The process

Nazir, after due verification, will affix the foil to its respective counterfoil in the bound book.

(2) The existing work Register No.B will be revised as shown in the Appendix. A few pages of this Register should be set apart for each member of the establishment, so that it may serve as a sort of personal ledger; it should be checked with referenc to the work tickets, and a balance struck against each man's name at the end of the quarter.

(3) The Register of Processes No.XX will include an additional column 10A indicating "the mode of service".

21. The necessary budget allotment on account of the bonus amounts payable to the process establishment will be made separately for each court. These amounts, which will be disbursed to the men concerned at the close of each quarter, will be drawn from the local treasury on abstract bills drawn by the presiding Judge, just as in the case of remuneration payable to copyists and examiners. The bill for each quarter will be prepared by the Process Nazir, and will show in detail the name of each amin and process server on duty and the serial number

of each process "effectively" served and the mode of such "effective" service (as indicated by Register No.B). This bill will be checked item by item, with reference to the corresponding entries in Register No.XX, by the chief ministerial officer of the court, who will certify at the foot of the bill that he has checked the entries and found them correct and that the amount claimed in the bill is actually due. The bill will then be placed before the presiding Judge for approval and signature.

22. The existing scale of process fees was fixed several years ago and requires to be revised. Not only has provision to be made to meet the increased remuneration proposed for the process staff, and that without the possibility of extra cost to the State, but parties too ought, even if they have to pay a slightly enhanced fee, to be saved the worry and expense of having to take out processes again and again for the same person or purpose owing to the remissness of the official agency. The case is different where the failure is due either to some omission or neglect on the part of parties (such as insufficiency or incorrectness of address, late payment of fees, etc.) or to the intervention of really unavoidable

causes, (such as plague or railway accident, or the death or absence of the person to be served); in such cases, it is but right that parties should pay for a subsequent issue of process. The point to remember is that a process only becomes exhausted after it is actually issued and a proper and honest effort has been made to serve or execute it; till then, it remains fully capable of being acted upon. Upon this view, the fee once paid ought to be regarded as a commuted payment for all charges of executing a particular process so long as that process is capable of being re-issued. Such an arrangement will also reduce considerably the labour of writing out processes a number of times in the same case, and tend to economy in the use of printed forms and a consequent diminution in the size of the record.

23. It is accordingly proposed that the fees chargeable for serving and executing processes of all descriptions by means of the agency of the Court shall be double the scale at present in force. But a party will as a rule, pay only for one process, which will be issued and re-issued as often as may be necessary, under the principle emphasised above, until either it is

effectively served or executed, or the same becomes really impossible, or the party applying does not desire it to be served or executed. The fee chargeable for every subsequent issue of process will, except in cases where the party himself is at fault, be a half of that chargeable for the first process.

24. At the same time it is desirable that suitors should avail themselves more largely and systematically than they do at present of the choice open to them of making their own arrangements for the service of certain kinds of processes, thereby enabling them to save the bulk of even the commuted charges they might otherwise be required to pay. This will be an additional inducement to suitors to co-operate in their own interests in the effective service of processes.

25. The execution of coercive processes (warrants of arrest, attachment or sale, notices of injunction, etc.), as also the service of process on opposite parties, will remain exclusively in the hands of the court. All other non-coercive processes may at their option be entrusted to parties, who will in that case make their own arrangements

for executing them. It will still be open to a party who does not desire or has not the facilities to employ his own resources, to avail himself of the agency of the court. But in that case he will pay the full rate of fee prescribed for the particular process, whereas a party who undertakes to have the process executed privately will (as at present) only pay a moiety of the prescribed fee, which will include the cost of the printed form in duplicate, and the charges of filling it up, if required, and getting it authenticated by the court.

26. The authentication of the form of process will be by impressing on it the seal of the court, after which the process will be handed over for service to the applicant or any other person named by him. A time limit for service will be specified on the form, ordinarily not longer than two months, after which the process will be inoperative unless renewed for a further period.

27. In the case of processes to opposite parties issued through court, the certainty of intimation reaching them should be assured, wherever necessaryby the court directing (under O.V. R.9(1)) the concurrent issue of process, without further fee, either by registered post, or by advertisement in the

official Gazette or in a specified newspaper or newspapers, or in both these modes, the actual cost being paid by the party applying for process. When process is sent by registered post, the presumption raised by Section 27 of the General Clauses Regulation may be applied; and the postman's endorsement of service on the addressee or of his refusal to accept it may ordinarily be treated as sufficient proof of service on or refusal by the addressee, as the case may be.

28. As regards witnesses, parties will, of course, continue to be at liberty, not only to serve their own witnesses formally, but also, if they choose, to take them to court without process. The mere fact that a witness has been brought to court by his party ought not to be regarded as in itself a proper ground for discrediting him or discounting the value of his testimony.

If a party is unable to secure the attendance of a witness, he will always be at liberty to apply for summons through court; and when the court's summons is refused, disobeyed or neglected, a warrant of arrest must as a rule issue if the witness' attendance is still required by the party. Judges should realize the importance of enforcing the obligatory character of the

processes of the courts, and in particular should take care to see that warrants of arrest are not allowed, as is too often the case at present, to go unexecuted in the absence of proper explanation for non-compliance.

29. Every process will be prepared in duplicate. The signature or mark of the person served will be taken to both the original and the duplicate, and the duplicate left with him. The original must, if it is intended to include the charges incurred among the taxed costs, be returned to court at or before the date of hearing, with an endorsement showing how such process was served, supported by an affidavit to be made by the party or person taking out the process for service and sworn to before the Nazir or Head Munshi of the court or before any other person authorised by law in this behalf. Such endorsement of service shall be as effective for all purposes as an endorsement made by a process server employed by the Court.

30. The directions contained in Rules 2 and 3 of Order XVI of the Civil Procedure Code, as regards payment into court of the travelling and other expenses of the person summoned, and of the tender thereof to such person at the time of service, are meant to

apply to the case of witnesses summoned through court. In the case of others, parties may themselves arrange to disburse batta to their witnesses without previous deposit in court.

31. In taxing costs, process fees will be reckoned as if the processes had been served through court, provided that only processes personally served or held by the court to have been duly served will be taken into account. Batta paid to a witness as certified by the party and supported by the payee's receipt as voucher will alone be included in the table of costs, provided that the same is not in excess of the prescribed scale, and provided also that the witness has actually attended court.

32. A proposal has been made to license approved private agencies to undertake the service of non-coercive processes. With adequate safeguards this may perhaps be found feasible in important localities like Bangalore, Mysore and the Kolar Gold Fields; but the opinion of the officers consulted is almost unanimously against the proposal, which will therefore be dropped for the present.

D.O. letter dated 15th April 1923 from the President of the Standing Committee of the Lawyers' Conference to the Chief Judge.

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I am desired by the members of the Standing Committee of the Mysore Lawyers Conference, to express their heart-felt thanks to you for the opportunity you were pleased to give them of meeting you at your residence on Thursday the 12th instant, where several matters of importance were discussed in the presence of your good-self and Mr. Justice Subbanna.

As regards the Scheme for the improved working of the Process Department which you intend sending up to Government for sanction, I am glad to assure you that all the members of the Standing Committee who were present at the time (whose names are given below) are in general agreement with the Scheme.

Mr. K. Shankaranarayana Rao.
" C. Subba Rao.
" Jade Subba Rao.
" K. Rangiengar.
" W. Tirumala Rao.
" C. Krishna Murti.
" T. Venkata Subba Sastri.
" C. Madhava Rao.
" A. R. Nageswara Iyer.
" Devoji Rao.
" C. Narasimhayya.
" N. V. Narasimhiengar

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ANNEXURE TO RULE 4.

FORM OF PROCESS SERVERS" WORK TICKET

Counterfoil										Foil.									
1	2	3	4	5	6	7	8	9	10		1	2	3	4	5	6	7	8	9	10
Name of amin or server.	Serial number of process & Register A and name of Court.	Number and year of suit or other proceeding.	Date of hearing.	Nature of process.	Place where process is to be served or executed.	Name of person on whom process is to be served or executed.	Date fixed for return of process.	Money sent with process.	Signature of amin or server.	.....perforation.....	Date of departure of amin or server.	Date of return of process by the amin or server.	Name of places visited with dates.	Number of miles travelled each day.	Particulars of service.	Reason for non-service, where service or execution has not been effected.	Money spent.	Money returned unspent.	Initials of process Nazir with date.	Remarks, if any, of the presiding Judge.

Statement showing the income and expenditure of the Process Department for ten years in the Civil Courts of the Mysore State.

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No.	Year	Income			Expenditure.			Savings			Remarks.
		Rs	as.	ps	Rs	as.	ps.	Rs	as.	ps.	
1	1912-13	95,758	2	-	64,700	12	11	31,057	5	1	
2	1913-14	98,396	9	-	58,889	10	-	39,506	15	-	
3	1914-15	105,734	6	-	75,880	15	-	29,853	7	-	
4	1915-16	113,978	2	-	77,150	15	11	36,822	2	1	
5	1916-17	115,350	12	-	77,843	15	-	37,506	13	-	
6	1917-18	124,196	11	-	78,560	-	6	45,636	10	6	
7	1918-19	127,276	8	-	89,827	11	7	37,448	12	5	
8	1919-20	135,106	-	-	98,494	3	6	36,611	12	6	
9	1920-21	144,853	14	-	117,703	6	8	27,150	7	4	
10	1921-22	147,039	15	-	108,349	6	6	38,690	8	6	
TOTAL		1207,685	15	-	847,401	1	7	360,284	13	5	
AVERAGE		120768	9	6	84,740	1	9	36,028	7	9	

	Nanjangud.	1 on 40/-	4	6	9	17	1	1	10	23
13	Munsiff's Court Seringapatam.	1 on 40/-	3	9	7	25	1	1	12	29
14	Munsiff's Court Hassan.	1 on 35/-	2	4	6	18	1	1	6	21
15	Munsiff's Court Holenarsipur	1 on 35/-	1	5	5	14	1	1	6	16
16	Munsiff's Court Shimoga.	1 on 40/-	5	9	9	25	1	1	14	25
17	Munsiff's Court S a g a r.	1 on 35/-	2	5	5	17	1	1	7	19
18	Munsiff's Court Chikmaglur	1 on 35/-	2	3	3	9	1	1	5	9
19	Munsiff's Court Narasimharajpura	1 on 35/-	2	4	3	9	1	1	6	9
20	Munsiff's Court Chitaldrug	1 on 35/-	1	5	4	17	1	1	6	18
21	Munsiff's Court Davangere	1 on 35/-	1	4		12	1	1	5	13
		12 on 35/-	20	158	453		20	20		

Existing. Cost : Nazir Rs. = 8916
Amins Amins = 39624
Process servers = 62508

Budget figures for 1922-23. = 1,11,048

Proposed Nazirs = Rs. 8916+3600 = 12516
Asst. Nazirs = 6000+36
Amins = 50560+120
Process Servers = 71100+132

Total = 140176+288

Extra Cost Rs. 29128+288 = 140,464
29,416

KNC.

Statement showing the existing and proposed strength of the process s of the subordinate Civil Courts in the state. 64 383

Serial Number	Name of Court.	Existing. Nazirs.	1st Grade Amins on Rs. 23/-	2nd Grade Amins on Rs. 20/-	1st Grade Process servers on Rs.13/-	2nd Grade Process Servés on Rs. 11/-	Proposed. Nazirs.	Assistant Nazirs on Rs. 25/-	Amins on Rs. 20-1-30.	Process Servers on Rs. 12-½-18.	Remarks.
1	1st Munsiff's Court Bangalore.	1 on 40/-	2	8	6	18	1	1	10	18	
2	2nd Munsiff's Court Bangalore	1 On 40/-	4	8	8	25	1	1	12	27	
3	Munsiff's Court Dodballapur.	1 on 35/-	1	4	4	11	1	1	5	12	
4	Munsiff's Court K O L A R.	1 On 35/-	2	4	4	13	1	1	6	14	
5	Munsiff's Court K. G. F.	1 on 35/- L.A./3/-	1 L.A.2/-	4 +2 each	2 +1 each	12 +1 each	1 L.A.3/-	1 LA.3/-	5 LA.2/- Each	11 LA1/-	
6	Munsiff's Court Chikballapur.	1 on 35/-	2	6	4	17	1	1	8	18	
7	1st Munsiff's Court Tumkur.	1 on 40/-	2	6	5	18	1	1	8	20	
8	2nd Munsiff's Court Tumkur.	-	-	4	-	9	-	-	4	9	Temporary
9	Munsiff's Court Maddagiri.	1 on 35/-	1	4	2	11	1	1	5	10	
10	1st Munsiff's Court Mysore.	1 on 40/-	2	4	7	21	1	1	6	22	
11	2nd Munsiff's Court Mysore.	1 on 40/-	4	8	9	29.	1	1	12	32	

Calculation of probable amount of Bonus which may be earned by Amins and peons under the proposed Process Scheme.

*****

The 158 amins and 375 process peons are distributed as shown below in the Maidan and Malnad Courts.

	Maidan.	Malnad. (Shimoga, Sagar, Chikmagalur & Narasimharajapura.)
Amins ..	126	32
Peons ..	313	62

An amin and a peon have to execute in a year not less than 150 and 400 processes, respectively, 70 % of the respective numbers having as a rule to be served effectively (except in the Malnad where it will be 65 %). The bonus is calculated on the excess if any over the standard fixed for the Court.

Assuming for the present that an Amin serves effectively all the 150 processes, and a peon all the 400 processes, entrusted to him, and that the standard of service is 70 % , an amin will earn a bonus for 45, and a peon for 120, processes in a year, being 30 % of the total number effectively served in each case. In Maidan courts an amin will earn in a year 45 x 8 annas or Rs.22-8-0, and a peon will earn 120 x 4 annas or Rs.30/-. In the Malnad an amin will earn 52½ x 12 annas or Rs.39-6-0 and a peon will earn 140 x 6 annas or Rs.52-8-0.

The total maximum amount of bonus for the whole State will accordingly be :--

For Amins	126 x 22-8-0	..Rs.2835 in the maidan.
	32 x 39-6-0	..Rs.1260 in the malnad.
	Total	..Rs.4095
For peons :-	313 x 30-0-0	..Rs.9390 in the maidan.
	62 x 52-8-0	..Rs.3255 in the malnad.
	Total	.Rs.12645

Grand Total Rs.16740.

38746

Statement showing the net financial result of the proposed scheme for the improved working of the Process/Department as compared with the existing scheme.

Existing.					Proposed					
Income. (Average for 10 years)			Expenditure.		Income.			Expenditure.		REMARKS.
1,20,768	9	6	Pay of the Process Staff.	111046 - -	* 241537	3	-	Pay of the Process staff.	140464 - -	
								Bonus	16740 - -	
								Extra cost of 52 office peons at 2 peons for each of the 26 subordinate civil courts, at 11 Rs each per month.	6864 - -	
									164068 - -	
								In addition to the above each man on the staff who maintains a bicycle will get an allowance of Rs60/- per annum.		

*This figure is arrived at by doubling the average income for the last 10 years.(Vide Statement A.)

B. REGISTER.

First page to give the following particulars :--

Name of Nazireth -

1. Process Nazir.

Name of

2. Assistant Nazir.

Authorised scale of Amins - Process Servers.

Taluks comprised in Nazireth

Names and number of circles -

Standard fixed for the Nazireth as per Rule 10.

INSTRUCTIONS :--

1. Four pages to be allotted for each man, to show rc for one year.

2. Where a substitute is appointed, the names of, and turned out by, the permanent as well as the temporary incu should be shown separately on the pages allotted to the pe incumbent.

Quarter (I, II, III, IV).

4 Name ... B.

WORK DONE BY THE MEMBERS O

Month of	NUMBER OF DAYS.				Circles in which work was done.	Number of work tickets returned.	NUMBER				
	On leave with particulars	Overstay	Town Service.	Mofussil Service.			COMBIVE				
							Balance from last month.	Issued during the month.	Returned		Balance pending at the end of the month.
									Effectively executed.	Unexecuted	
1	2	3	4	5	6	7	8	9	10	11	12

[illegible] G I S T R A R.

[illegible] PROCESS ESTABLISHMENT DURING THE QUARTER ENDING .....

Number and date of entry in Register.	PROCESSES.					Number of miles travelled.	Bonus earned.	General remarks by the Presiding Officer on the work for the quarter. (Including warnings, censure, etc.)
	NON COERCIVE.							
		Returned						
	Issued during the quarter.	Personally served.	Otherwise effectively served.	Unserved.	Balance pending.			
13	14	15	16	17	18	19	20	21

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Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 5239-53—Cts. 263-26-1, dated 4th April 1927.

Recommendations of the Laws' Delays' Committee.

Passes orders on the ——.

READ—

Government Order No. P. 4052—Cts. 307-24, dated 3rd October 1925, constituting a Committee to consider measures for minimising delays in the disposal of civil suits.

2. The Report of the Laws' Delays' Committee.

3. Correspondence ending with No. Roc. 572, dated 3rd December 1926, from the Registrar, Chief Court, stating that the Judges of the Chief Court generally agree with the recommendations of the Committee and that their detailed opinion on particular subjects will be furnished when required.

4. Further correspondence ending with letter No. Roc. 991—26-27, dated the 4th March 1927, from the same officer submitting the final proposals of the Chief Court in regard to matters involving additional expenditure.

ORDER No. P. 5239-53—CTS. 263-26-1, DATED 4TH APRIL 1927.

In their order read above, Government constituted a Committee consisting of the members noted below to go into the question of devising measures for mitigating the hardship caused to litigants by delays in the disposal of civil suits, appeals and execution proceedings and for minimising the inconveniences experienced by them under the existing procedure in obtaining adequate satisfaction for the decrees passed by the Courts, after taking into consideration, the recommendations of the Civil Justice Committee appointed in British India and their suitability to local conditions.—

President.

Mr. Justice C. S. Doraswami Iyer, B.A., B.L., Judge, Chief Court.

Members.

1. Mr. P. Mahadevayya, B.A., B.L., Sub-Judge.
2. „ M. Ramachandra Rao, B.A., B.L., Advocate, Bangalore.
3. „ B. Narasinga Rao, Pleader, Mysore.
4. „ C. Subba Rao, B.A., B.L., Advocate, Shimoga.
5. „ C. Lakshmana Gowda, B.A., B L., Advocate, Bangalore.
6. „ Mahomed Abbas Khan, Honorary President, City Municipal Council, Bangalore.
7. „ B. V. Ramaswamy Chetty, Advocate, Bangalore.
8. „ B. K. Garudachar, President, Chamber of Commerce, Bangalore.

Secretary.

Mr. A. Sreenivasaraghavachari, B.A., B.L., Registrar, Chief Court.

Government subsequently referred for the consideration of the Committee the question of investing Munsiffs with magisterial powers and of giving Civil work to Special Magistrates recruited from the Bar in places where the Munsiffs or Magistrates have at present not got sufficient Civil or Criminal work. It was requested that the recommendations of the Committee be classified under the following heads:—

(1) Suggestions for modifications in the law in force.

(2) Suggestions for alterations in the rules or procedure in force which do not require any modification of the law and which do not also entail additional expenditure; and

(3) Suggestions entailing additional expenditure, with an approximate estimate of such expenditure.

2. The Committee commenced their sittings in the Chief Court on the 24th October 1925, and after inviting and considering the opinions of Judicial Officers, prominent Advocates the several Bar Associations in the State as well as a few selected members of the public, concluded their deliberations on the 28th August 1926, and have forwarded their Report through the Chief Court.

3. The Committee have in Part I of the Report dealt with the various stages of a suit and the execution proceedings of a decree from their inception to the final satisfaction of the decree and of appeals—Regular, Second and Miscellaneous and indicated that delay in the various stages is caused by certain defects in some of the Laws and Regulations, both substantive and adjective, and in the Rules of Practice and Procedure. In Part II they deal with questions relating to administrative matters affecting the working of the Courts, *viz.*, recruitment of judicial officers, addition to and improvement of the pay and prospects of the ministerial establishments, the question of the adequacy of the Courts, their constitution and jurisdiction and the question of combining Civil and Magisterial functions in the same officer. The Committee have also considered questions connected with the profession of law the qualifications for enrolment as Legal Practitioners, apprenticeship before enrolment and the scale of remuneration payable to them. The recommendations of the Committee may be analysed as follows:—

(i) Certain provisions of the Civil Procedure Code, Limitation Regulation, Evidence Act, Transfer of Property Regulation, Court Fees Stamps, and Registration Regulations and Small Causes Courts Regulation should be amended.

(ii) The existing rules under the Civil Procedure Code should be revised.

(iii) Circular and Rules of Practice for the guidance of subordinate courts for speeding up disposals should be issued.

(iv) Additional courts—temporary and permanent—should be established and the Ministerial and Process Establishments should be reorganised and added to.

(v) Combination of Civil and Criminal functions may be tried in certain specified areas.

4. On some of the recommendations, *viz.*, those grouped under A in the Annexure to this order, the Chief Court can issue orders of their own accord. The Chief Court are requested to consider these recommendations and issue necessary orders, copies of such orders being forwarded for the information of Government.

On the recommendations grouped under B in the Annexure, the Chief Court may take the necessary action towards the Amendment of the Orders of the Civil Procedure Code and other matters and submit proposals for the sanction of Government.

Under Group C in the Annexure, are included :—

(i) Recommendations on which Government have to issue necessary orders.

(ii) Recommendations for amending Regulations. Government will, in respect of these, take necessary action in due course.

(iii) Recommendations involving additional expenditure.

The Judges of the Chief Court were consulted as regards these recommendations and they have submitted final proposals in the matter.

5. Government are pleased to pass orders on the above proposals as follows:—

(1) To clear off the existing arrears in the Chief Court, a temporary Additional District Judge's Court will be established at Bangalore for a period not exceeding one year, instead of an Additional Judge to the Chief Court as recommended by the Laws' Delays Committee.

(2) As recommended by the Committee the establishment of a Sub-Judge's Court at Bangalore for a period not exceeding two years is sanctioned. Provision will for the present be made for a period of one year before the end of which the Chief Court may recommend the probable period not exceeding another year for which the Court may be continued.

(3) To clear off the arrears in the District Judge's and Sub-Judge's Courts at Shimoga, the Committee recommend the establishment of a temporary Additional Sub-Judge's Court for a period of one year. Government consider that the pendency of appeals in the above courts at Shimoga is not so large as to necessitate the establishment of an Additional Sub-Court and that the District Judge and Sub-Judge of Shimoga may distribute the appellate work more or less equally between them and bring the work up-to-date.

(4) Small Cause Courts will be established at Bangalore and Mysore as recommended by the Committee. The Small Cause Court at Mysore will, however, be temporary for a period of two years in the first instance and the question of making it permanent or otherwise after that period will be considered in the light of experience gained in the working of the Court. With effect from the date of establishment of a separate Small Cause Court

at Mysore, the temporary Sub-Judge's Court now working at that station will be abolished. To equalise the work as far as possible, between the permanent Sub-Court at Mysore and the new Small Cause Court, the latter will be invested with the power to hear appeals against the decisions of Munsiffs in the Mysore Division.

(5) *Munsiffs' Courts—Permanent.*

The recommendations of the Laws' Delays Committee to establish a Munsiff's Court at each of the following places, *viz.*, Closepet, Mandya and Hunsur are sanctioned. The Additional Munsiffs' Courts at Mysore and Bangalore will accordingly be transferred to Mandya and Closepet respectively, with separate clerical establishments, and a new Court will be established at Hunsur.

Munsiffs' Courts—Temporary.

The Committee recommend the establishment of four temporary Munsiffs' Courts for one year for clearing the arrears in certain Munsiffs' Courts. Government consider that three such Courts may be established for the present so as to reduce cost. The Chief Court may post the Additional Munsiffs to such places and for such periods as they considered necessary. The Additional Courts will be dispensed with after one year.

(6) *Process Establishment.*

The Committee have recommended increase of pay and grant of bonus to process servers. In view of the large increase of expenditure involved in giving effect to the various recommendations of the Committee and the increased facilities given to the public by the establishment of additional courts, Government consider that an all-round increase of 25 per cent in the rates of process fees is necessary and direct that the rates be increased accordingly with effect from 1st July 1927. The additional realisations consequent on the enhancement of fees will be utilised for meeting the increased cost on account of the measures for the improvement in the pay of the process establishment including process nazirs. The Chief Court are requested to submit detailed proposals in time.

(7) *Ministerial Establishment.*

A sum of Rs. 20,000 will be provided in the next year's budget for the reorganisation of the ministerial establishment and for the additional establishment recommended by the Committee for the existing courts.

6. These arrangements will come into effect from 1st July 1927.

7. Pending the receipt of detailed proposals from the Chief Court *re* the expenditure in connection with the establishment of new courts, etc., and orders of Government thereon, a lump sum provision of Rs. 1,20,000 inclusive of the expenditure to be incurred for the reorganisation of the process establishment will be made in the budget estimates of the Judicial Department for 1927-28. The Chief Court are requested to forward the detailed proposals at an early date for the sanction of Government, limiting the extra expenditure to the said provision for the next year.

8. The Deputy Commissioners of Bangalore, Mysore, Shimoga and Chitaldrug are requested to submit proposals, in consultation with the District Judges concerned, for the accommodation of the new courts

9. The question of the Combination of Civil and Criminal functions will be considered after receipt of further information called for from the Chief Court.

10. In conclusion, Government wish to express their obligation to the President and Members of the Committee for the elaborate enquiry into the defects of the existing system of judicial administration which they have conducted and for the very interesting and valuable report which they have presented. Government have hopes that the improvements that will be effected as a result of this enquiry will mark a step forward in the administration of justice in the State.

B. NAGAPPA,
Secretary to Government,
Law Department.

To—The Registrar, Chief Court.
The Comptroller to Government, through Financial Secretariat.
The Deputy Commissioners of Bangalore, Mysore, Shimoga and Chitaldrug Districts.
The Secretary, Laws' Delays' Committee.
The Members of the Laws' Delays' Committee.
PRESS TABLE.

Exd.—P. S. R. N.

No. P. 5239-53—Cts. 263-26-1, dated 4th April 1927.

ANNEXURE A.

Recommendations on which the Chief Court can pass final orders.

Serial No.	Subject	Reference to paragraph of the Report
1	Rule directing that in lengthy and complicated plaints, the filing of concise statements instead of copies should be made use of to a greater extent.	17
2	Preparation of processes by the parties themselves on forms supplied by Court.	21
3	Personal service of processes should be the rule and at any rate the ideal to be aimed at.	25
4	Service by advertisement in newspapers	26
5	Stricter insistence upon proper pleadings	63
6	Examination of the parties as early as possible before issues are framed.	64
7	Filing of the lists of documents by plaintiff and defendant ...	68 and 69
8	Seeing that proper discovery of documents is made and admissions asked for before trial.	70
9	Improvement in framing and correct settlement of issues ...	71
10	Rule to be made by which parties may be allowed to serve processes on their own witnesses.	87
11	Enforcement of the payment of "adjournment" batta due to witnesses for the next hearing.	86
12	Discretion in granting adjournments	89
13	Enforcement of the rule that the hearing of a suit once begun should proceed from day to day.	90
14	Enforcement of the rule as to 'opening' a case	94
15	Observance of Rule in Chapter X of the Evidence Act	96
16	Giving priority to cases, pending disposal of which other cases are held up.	135
17	Hearing of arguments as early as possible after closing of evidence...	112
18	Scrutinising daily or weekly arrear list of processes pending preparation.	295
19	Greater use of the provisions of Order III, Rule 5, C. P. C. in regard to the service of processes on pleaders in interlocutory proceedings.	310

No. P. 5239-53—Cts. 263-26-1, dated 4th April 1927.

ANNEXURE B.

Recommenations on which the Chief Court have to take action.

Serial No.	Subject	Reference to paragraph of the Report
	(i) Under the Rule-making power—Part—X. C. P. C.	
1	Rule directing that necessary copies of the plaint or abstract should be filed with the plaint.	16
2	Rule directing process fees should be paid with the plaint ...	18 and 293
3	Rule directing process fees to be paid with memos of appeals and second appeals also.	19
4	Rule directing service of processes by registered post, as auxiliary to that through the process server.	27
5	Amendment of Order XXXII, Rule 3 (4) ...	28
6	Proposing that the first application itself filed by the plaintiff must contain the names of all persons for appointment of a guardian *ad litem*.	31
7	Amendment of Order IX, Rule 13	39 and 40
8	Suggestions for minimising delays in the matter of attendance of witnesses. (Some of these suggestions will require action on the administrative side).	78, 81, 83 and 86.
9	Service of notice in interlocutory applications on pleaders ...	130
10	Amendment of Order XVI, Rule 2 (1)	84
11	Alterations of the Rules relating to the system of recording evidence.	106 and 110
12	Recording evidence in Shorthand as an experimental measure in the Courts of District Judges.	109
13	Dictating judgments in Shorthand and amendment of Order XX and XLI.	116 and 226
14	Amendment of Rules in Order XXXIV to provide for one decree in mortgage suits and reduction of time allowed to judgment-debtor.	125
15	Signature of pleaders to be obtained in decrees	120
	Execution.	
16	Amendment of Order XXI, Rule 2	178
17	Do 11 (2) *a*, *b*, *c* and *h*	160
18	Do 16 *re* assignment of decrees ...	171
19	Do 17	163
20	Do 24	182
21	Amendment of Order XXI, Rule 26, clause (3) to make security obligatory in the absence of sufficient cause.	183
22	Amendment of Order XXI, Rule 31, clause (2)	184
23	Do 32, clause (3)	185
24	Do 37	186
25	Rule allowing executing court to send its own amin to arest judgment-debtor found outside its jurisdiction.	188
26	Amendment of Order XXI, Rule 39, clause (5)	187
27	Addition of Rules in Order XXI to provide something in the nature of a garnishee procedure.	192
28	Amendment of Order XXI, Rule 53	193
29	Do 54	195 and 196
30	Do 57	197
31	Do 58	200
32	Do 66	202
33	Do 67	203
34	Do 68	204
35	Do 69 (1)	205
36	Do 63	207
37	Modification of Order XXI, Rule 89, clause (1)	209
38	Amendment of Order XXI, Rule 90	211
39	Do 98	215
40	Amendment and addition of suitable rules to Order XXVI ...	143

No. P. 5239-53—Cts. 263-26-1, dated 4th April 1927.

Serial No.	Subject	Reference to paragraph of the Report
	(ii) Under other rule-making powers or administrative orders.	
1	Fixing periods for the disposal of several classes of litigation ...	56 and 57
2	Scrutiny of judgments pending delivery for more than ten days, included in the monthly return sent to superior courts.	115
3	Insistence of the rule in the matter of giving a fixed date for the delivery of judgments.	118
4	Payment of interest under Section 34, Civil Procedure Code to be within the discretion of Civil Courts.	128
5	Improvement in the selection of commissioners appointed under Order XXVI, Rules 11 and 12 to examine accounts.	144 and 145
6	Alteration in the rules under which lists are kept up of persons ready to accept commissions under Order XXVI, Rule 4 and as to the selection of such persons.	144 and 145
7	Execution petitions to be brought up for orders without delay and corrections where necessary to be made by the Court itself.	162
8	Increased facilities for payment of decretal amounts to the Court or decree-holder by money order.	179 and 180
9	Noting applications undisposed of for payment of decree amounts in the Civil monthly returns.	181
10	Registration of plaints or proceedings soon after their presentation ...	294
11	Discontinuance of the practice of employing process servers as orderlies.	297
12	Avoiding of delay in the writing and issue of processes and addition of suitable columns in Register No. A.	298 and 85
13	New form of B register and scrutiny of the entries thereto and distribution of processes by circles and beats.	299
14	Re-issue of processes automatically by process nazir	300
15	Party to give sufficient information in the application to enable the process server to identify the person to be served.	301
16	Revision of the form of affidavit used by process servers ...	302
17	Better selection of process nazirs	304
18	Scrutiny of monthly and quarterly process statements by the District Judges and closer supervision over the work of individual process servers by presiding officers.	305
19	Greater use of bicycles by servers and amins when going out for serving processes.	306
20	Revised form of process servers' work ticket and maintenance of a pocket diary by process servers and amins and checking the same along with the work ticket.	307
21	Service by post as an additional mode of service upon a party ...	311
22	Reduction of printing charges	375
23	Typing of records in cases heard by a single judge of the Chief Court	377
24	Abolition of the existing system of typing records	378
25	Avoiding delay in the payment of printing charges	379
26	Separate grants for the purchase of books and law journals for all the Civil Courts.	381
27	Accommodation in the Chief Court for a Court Hall for the Revision Court.	383
28	Rules in regard to apprenticeship of Advocates and Pleaders ...	391
29	Increase in the scale of remuneration to Legal Practitioners ...	396 and 397
30	Introduction of a rule for certificates being filed by an advocate or pleader for having received the Regulation fee.	402
31	Rules regarding Touting	404 and 405
32	Framing rules *re* recognised clerks of Legal Practitioners ...	406

No. P. 5239-53—CTS. 203-26-1, DATED 4TH APRIL 1927.

ANNEXURE C.

Recommendations on which Government have to take action and pass orders.

Serial No.	Subject	Reference to paragraph of the Report
	I.	
1	Amendment of Schedule to Small Cause Courts Regulation ...	256 and 257
2	Importance of the duty cast on disbursing and Audit Officers in regard to attachment of salary or allowances of public servants.	191
3	Instructions to the officers concerned in the case of partitions to be effected under section 54 or 54 A, Civil Procedure Code.	220
4	Provision for emergent work during vacations	223
5	Rules for recruitment of judicial officers	269 and 274
6	Amendment of the Civil Service Rules in regard to the appointment of District Judges.	276
7	First appeals to lie in the District Court, Bangalore, as in other Divisions and second appeals to the Chief Court.	329 and 330
8	Transfer of first appeals to the Sub-Court, Bangalore, by the District Judge, Bangalore.	336
9	Introduction of type-written copies	361
10	Providing accommodation for locating a Press in the Chief Court for printing records of civil appeals.	372
	II.	
	A. Amendments in the Civil Procedure Code Regulation, III of 1911.	
1	Simultaneous execution of same decree in different courts and amendment of section 38.	167
2	Amendments in sections 39 and 42	168 to 170
3	Amendments in and enlargement of the scope of section 47 ...	172 to 174
4	Amendment of section 60 clause (*h*)	189
5	Do section 145	211
6	Punishment of resistance to execution as contempt and amendment of section 74.	214 and 215
7	Amendment of section 48	218
8	Do do 73	221
	B. Limitation Regulation.	
9	Amendment of section 14	238
10	Do do 19	239 to 242
11	Do do 20	239 to 242
12	Amendment of article 85	243
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23	Partnerships deeds to be in writing	234 and 235
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	Recommendations involving extra expenditure.	
	Temporary.	
1	An additional Judge for the Chief Court for a period of one year to dispose of old appeals.	332
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5	One Munsiff's Court for a period of one year to clear off the arrears in the Chikballapur Munsiffs' Court.	356
6	One Munsiff's Court for a period of one year to clear off the arrears in the Shimoga and Sagar Munsiffs' Courts.	356
7	One Munsiff's Court for a period of one year to clear off the arrears in the Chitaldrug and Davangere Munsiffs' Courts.	356
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WD 2082—GPB—1,015—13-4-27

Nm.

Letter No. P 5277/Cts.263-26-2, dated 5-4-27, from the Secretary to Government, Law Department, to the Registrar, Chief Court of Mysore, Bangalore.

With reference to your letter No. ROC 991/26-27, - dated 16th March 1927, forwarding the details of cost in connection with the establishment of additional ~~mf~~ Courts and the revision of the ministerial and process establishments of Courts and t o G. O. No. P 5239-53/ Cts.263-26-1, dated 4th April 1927 passing orders on - the recommendations of Laws' Delays Committee, I am - directed to observe that the lumpsum provision of - Rs.1,20,000/- made in the next year's Budget for meeting the extra cost on account of the reforms has been calculated on the basis of ~~the~~ certain reductions made owing to financial considerations in the amounts proposed by the Chief Court under the heads of Establishment, Contingencies and furniture. For the additional District Court, Bangalore, Government are of opinion that the - proposed clerical establishment can be reduced by half. As the Court will run only on a temporary basis there is no need of any graded pay and a sum of about Rs.4,500/- can be saved. For the additional Sub-Court at Bangalore four clerks are proposed. Government consider that the Court being a temporary one, the establishment may be - limited to what is recommended by the Laws' Delays Committee. Similarly for the Small Cause Court at Mysore the establishment may be limited to the same extent as that of the temporary Sub-Court and some of the clerical establishment of Sub-court and other Courts from which small cause cases will be transferred may, if necessary, be transferred to the Small Cause Court.

The

For the Small Cause Court at Bangalore, Government consider that a sum of Rs.1,000/- for furniture will be quite sufficient and the furniture of the present additional Sub-Court at Mysore may be utilized for the Small Cause Court at Mysore. Similarly for the Munsiff's Courts at Closepet, Mandya and Hunsur, the amount provided under furniture may at present be reduced to Rs.1,000/- for each court. The amount provided for furniture for all the temporary Courts may be reduced to Rs.3,000/- as Government consider that it is not necessary to provide these Courts with the full complement of furniture. After the temporary Courts cease to exist, the furniture may be transferred to the permanent Courts.

Government consider that a reduction in the revision of process establishment, if possible, and the cost on this account may not exceed Rs.30,000/-.

I am to request you to forward revised proposals in the light of the observations made above not exceeding the provision made in the Budget.

Copy.

Cts 981-26-2.

59

Letter No.R.O.C. 991/26-27 dated the 13th June 1927 from the Registrar, Chief Court, to the Secretary to GOvernment, Law Department.

Reply No 582 Book 28.7.27

I am directed to acknowledgeth the receipt of your letter No. P. 5277/Cts 263-26-2 dated the 5th April 1927, calling for revised proposals for the establishment of -- certain additional courts and the revision of ministerial and process establishments, limiting the expenditure to the lump aum grant of Rs. 1,20,000 provided in the next year's budget.

2. Out of the lump sum provision of Rs. 1,20,000 made in the next year's budget, Rs. 20,000 is allotted for the re-organisation of the clerical establishment, Rs,30,000 for the process establishment, and the balance of Rs. 70,000/- for the additional courts, permanent and temporary.

3. The Chief court has felt some difficulty in restricting the cost of the revised proposals to the amount provided in the budget next year's budget, especially as regards the re-organisation of the ministerial and process establishments.

4. Regarding the additional courts, the proposals appended herewith will explain themselves. After they are sanctioned by Government it will be necessary to transfer some amins, process servers, and clerks from existing court courts to the newly established courts or Vice Versa and compatible with the revised territorial jurisdiction of the several courts to be eventually established fixed. Regarding this a separate reference will be made in due course.

5. Owing to the reduction of grant to Rs.30,000/- for the re-organisation of the process establishment, it has become necessary to suggest a lower scale than was recommended by the Laws' Delays' committee.

6.

60

6. The greatest difficulty was experienced in regard to the re-organisation of the ministerial establishment, in view of the fact that a sum of only Rs. 20,000/- was made av available for a department employing nearly 350 officials, provision having had to be made for 21 extra hands also as recommended by the Laws' Delays' Committee. Though the average extra cost of the scale now proposed will amount to Rs. 33,738 per annum. according to the arbitrary method of calculating extra cost, in view of the fact that the timex scale has the advantage of reducing the extra expenditure to be incurred on leave and acting allowances, it is hoped that the proposed scale will commend itself to Government. It may be added that so far as the actual extra cost for the next official year is concerned care will be taken to limit it t the provision of Rs. 20,000/- made in the budget in accordan ce with the suggestion of Government contained in paragraph 7 of G.O. No. P. 5239-53 /Cts 263-26-1 dated the 4th April 1927. I am to add that it is only on this basis of actual as opposed to average cost that a re-organisation even on th very moderate scale now proposed is possible and not otherwi as it will be difficult to give any appreciable relief to th long suffering ministerial establishment if the rule of average cost is to be strictly applied.

7. In the light of the circumstances stated above, I am to request that Government may be pleased to convey final sanction to the proposals now sent up. After these proposal are sanctioned by Government, formal proposition statements will be sent up. As regards the location of the courts, territorial jurisdiction, transfer of officials etc., separat refrence will be made later on after considering the Special report of Mr. Justice C.S. Doraswami Iyer.

Copy

Abstract Proposition Statement for the improvement of the Process Establishm

Extra a

Present Scale.				Proposed Scale.		
No. of Clerks.	Pay.	Average cost per month.	Remarks.	No. of clerks.	Pay.	Average cost pe month.
	Nazirs.				Nazirs.	
8	40	320		21	35-3-50	971¼
13	35	455				
L.A.	3	3				
		778				
	Amins.				Amins.	
44	23	1012		160	20-1-26	3829⅓
116	20	2320				
L.A.	5(2)	10				
		3342				
	Process servers.				Process servers.	
107	13	1391		456	11-½-18	6824
349	11	3839		K.G.F. Allowance		27
L.A.	14(1)	14				
637		5244		637		11652
		9364			Present cost	9364
					Extra sum per month	2288

Chief Court of Mysore,
Bangalore.
13th June 1927.

TKV/3.

Present scale verified and found correct.

Dy Rajavachs
Deputy Comptroller

Abstract Proposition Statement for the improvement of the Process Establish

Extra

Present Scale.				Proposed Scale.		
No. of Clerks.	Pay.	Average cost per month.	Remarks.	No. of clerks.	Pay.	Averag cost p month.
	Nazirs.				Nazirs.	
8	40	320		21	35-3-50	971½
13	35	455				
C.A.	3	3				
		778				
	Amins.				Amins.	
44	23	1012		160	20-1-20	3829⅓ ~~3904~~
116	20	2320				
C.A.	5(2)	10				
		3342				
	Process servers.				Process servers.	
107	13	1391		456	11-½-13	6824⅘ ~~6931~~
349	11	3839		K.G.F. Allowance		27
C.A.	14(1)	14				
637		5244		637		~~11833~~ 11652⅔
		9364			Present cost	9364
					Extra sum per month	2288 23/60 ~~2469~~

Chief Court of Mysore,
Bangalore.
13th June 1927.

Present scale verified and found Correct

Deputy Comptroller

TKV/3.

27.9.

ECT.....

.....

.....

Section C/-

File No. 151-25

Serial No.

No. P 151

Diary No. of letter replied to.....

To

The Registrar Civil Courts

Sir,

General and Revenue Secretariat

( )

the 192

I am directed to invite reference to Go. no. P 5239-53/CS-263-26-1134-4-27 directing that an enhanced increase of 25% in the rates of process fees be made from 1st July 1927. ~~On further reconsideration that are of opinion that two rates may be fixed - a lower~~ rate for small cause cases and a higher rates for the original suits. I am to request you to kindly favour this with the opinion of the judges of the Civil Courts in the matter and if they agree with the suggestion of this, the rates of fees that may fixed for small cause cases and original suits may also be suggested. ~~This may kindly be treated over as urgent.~~ I have etc

Date of issue 6/7/27

Signed by Mr J. S. Mudaliar

To request you to kindly favour us with the opinion of the judges of the civil courts as to the desirability or otherwise of fixing two rates of process fees for the Dist. Courts & Magistrates Courts.

List of enclosures..... one

Copied by.....

Examined by.....

WD 01265—GPB—31,000—24-12-25

6/7/27

6/7

Dr Crawley

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat. 64

Dated Bangalore, 4.8 *192*7.

No. P. 818 US 26-3-26. 5

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

A. Sreenivasaraghavachari, Esq, B.A.B.L.,
Registrar, Chief Court, Bangalore.

SIR,

With reference to your letter No.ROC. 991/26-27 dated 13th June 1927 submitting proposals in the matter of the establishment of additional Civil Courts, and the revision of the ministerial and process establishments, I am directed to state that these questions may be considered in a meeting of the Judges of the Chief Court with the Members of the Government proposed to be held in August 1927 along with the report on the combination of Civil and Criminal functions due from Mr. Justice C.S. Doraswami Iyer through the Chief Court. In this connection I am to forward herewith an extract from the speech of Rajasabhabhushana Diwan Bahadur Sir K.P. Puttanna Chetty at the last meeting of the Legislative Council together with the reply of the President thereon with in the matter of not raising process fees in Munsiffs' Courts and raising the same to the Madras or Bombay level in other Courts. There is also the proposal to fix two rates of process fees one for Small Cause Courts and the other for the other Courts referred to in this office No.P.151/Cts. 181-25 dated 6-7-192 These questions may also be considered at the conference referred to It may be added that in view of the financial position it will be difficult to increase the cost of process establishment without increasing the fees; and the possible additional realizations by adopting the various methods may also kindly be intimated for consideration at the meeting.

The date and time of the proposed Conference will be intimated to you in due course.

I have the honour to be,

Sir,

Your most obedient servant,

For Secy.to Govt. Law Dept.,

TD

SUMMARY OF DISCUSSIONS AT THE MEETING OF THE JUDGES OF THE CHIEF COURT WITH THE DEWAN AND MEMBERS OF GOVERNMENT? HELD ON THE 3RD SEPTEMBER 1927.

****

Present.

Amin-ul-Mulk Mirza M.Ismail, C.I.E., O.B.E., (Dewan);
K. Chandy Esq., B.A., (First Member);
Rajakaryaprasaktha Dewan Bahadur M.N.Krishna Rao, B.A. (Second Member);
C.S.Balasundaram Iyer Esq., B.A., (Third Member);
C.S.Doraswami Iyer Esq., B.A., B.L., (Chief Judge);
D.K.Rama Rao Esq., B.A., B.L., (Judge, Chief Court); and
G. Srinivasa Iyer Esq., B.A., M.L., (Judge, Chief Court).

Messrs. N.Madhava Rao, B.A., B.L., Chief Secretary to Government and B.Srinivasa Iyengar, B.A., B.L., Financial Secretary to Government also attended.

First and Second Grade Magistrates may be absorbed in the cadre of Subordinate Judges and Munsiffs as the case may be, if they were recruited from the Bar; otherwise as Assistant Commissioners or Revenue Officers (Non-Civil Service). Special Magistrates Third Grade may be absorbed among Munsiffs. Financial Secretary will consider if a single time scale can be fixed or if two classes of Munsiffs should be created. The arrangement should in neither case involve -- additional cost.

2. The question of abolishing Bench Courts as a general rule may be dropped. These courts may be retained and such of them as are by experience found to be unnecessary or unsatisfactory may be abolished, each case being considered on its merits.

3. Circuit System and redistribution of jurisdiction of

Criminal

67

Criminal Courts may be tried, subject to changes, if any, to be made as a result of the decision to retain Bench Courts.

4. The question of paying batta to witnesses attending Magistrates's Courts will be dropped.

5. Location of Munsiffs' Courts at Closepet, Mandya and Hunsur is approved; and if accommodation is available at Tiptur, the location of a Munsiff's Court there may be considered. The location of a Court at Honnali is not necessary.

6. The temporary Sub-Court sanctioned for Bangalore in Government Order No.P.5239-53/Cts.263-26-1 dated the 4th April 1927 will be located at Shimoga for such period as is necessary to clear off the arrears and then will be transferred to Bangalore.

7. Combination of functions - Civil Judicial and Criminal. This scheme will not be adopted as a general rule, but under-worked Magistrates should be given more work by the Chief Court by transferring Civil Suits to them for trial and Munsiffs in charge of light Courts may be given Criminal work.

8. Raising the scale of Process Fees. The recent order enhancing the scale by 25 per cent may be given effect to; and proposals of the Chief Court for the revision of the salaries of the Process Establishment may be sanctioned. (Cost about Rs.30,000/-).

9. Re-organisation of the Clerical Establishment. The proposals for revision as agreed to by the Chief Judge in consultation with the Financial Secretary may be accepted.

10. The four Assistant Commissioners in the First Grade of Special Magistrates may be reduced to three and the number of Sub-Judge Magistrates raised correspondingly.

ROC.No.423/27-28 Dated 22-10-1927

From

The Registrar,

Chief Court of Mysore.

To

The Secretary to Government,

Law Department.

Sir,

I am directed to acknowledge the receipt of your letter Camp No.P.98/Cts., dated the 13th October 1927, returning the statement showing the allocation of the Ministerial and the process staff of the Civil Courts, with the observation that so far as the new courts are concernedm the allocation involves departure in some cases, both in point of the number of clerks and the scale of pay, from the proposals contained in my letter ROC.No.991 of 26-27, dated the 13th June 1927, and requesting to forward for the sanction of Government, revised proposals on the basis of the allocation showing therein the financial effect of the new proposal.

2. In reply, I am to forward herewith statements showing the new allocation for each court and the financial effect thereof and to request that Government may be pleased to accord sanction thereto withhe effect from the 14th October 1927

3. With egard to the observation that there is departure in theallocation statement from the proposals made by the Chief Court on 13th June 1927, I am to state that the Chief Court has subsequently reconsidered the question and has fixed the number of hands and the pay of officials of the several courts, permanent and temporary, as shown in the accompanying statement, thereby reducing the extra cost by about Rs.400/ per annum. In this connection kind reference is invited also to my D.O.letter No.ROC.991 of 26-27 dated the 15th September 1927, addressed to the Chief Secretary forwarding revised proposals regarding the scale of pay and the number of hands in each grade.

69

I am to add that without a further experience of the working of the new courts and of the changes in the territorial jurisdiction it will not be possible to accurately estimate the quantity of workin each court and that the allocation now proposed may be considered as tentative and liable to be revised if in the light of experience in working the arrangement, any alteration, in the number of hands in each court is called for. A separate reference will be made in regard to this, if found necessary, for obtaining sanction of Government, and without raising the total number of hands as now proposed or involving extra cost to Government.

Sd/- A.Srinivasaraghavachari

Registrar.

'Copy'

G.R.S VI G'34]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the 192

Date of issue..... 7/11/27

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette.

English Part ?

v translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section No

File No. 181-US

Serial No. 3

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Correspondence ending with letter No. 991/25-27 dt. 13.6.1927 from the Dep. Chief. Court forwarding proposals for the revision of the process establishment of the Civil Courts in the State as required in para. 6 of GO. No. P 6239-51 Ch-263-26-1 dated 4th April 1927.

Order Thereon No. 2368-9

Govt are pleased to sanction the revision of the process establishment of the Civil Courts in the State at an extra cost of Rs 27603/- per annum as shown below

Present Scale -

No:	Pay -	Avg cost p. mth
Nagirs -		
8 -	40 -	320
13	35 -	455
2 L	3 -	3
		778
Amins		
64 -	23 -	1012
116 -	20 -	2320
2 A	5 (L) -	10
		3342
Processmen		
97 -	13 -	1391
449 -	11	3837
2 A	140	14
		5244
637	Provision total Rs.	9364

~~Proposed~~ Scale ~~:~~ sanctioned

No -	Pay -	Avg cost p.m
Nagirs		
21	35 3-50 -	971¼
Amins		
160	20-1-26	3P29 5/5 ~~390~~
Processmen		
456 -	11 - ½ - 18 -	6P24 4/5 ~~6931/~~
Kg. Tahsildar		27
~~List of enclosures.~~		
637		~~11833 9/~~ 11652 23/60
	Present cost	9364
	Extra sum per month -	~~2288.37~~ ~~2469 94/~~
	or	
	~~29633 2/5~~ 27460 3/5 per annum	

2) The revised scale with comments Copied by
effect from 1-4-27

3) The cost will be met out of the lump sum Examined by
provision made for Judicial Reforms' pay
current year's budget of the Judicial Dept

WD 1885—GPB—1,000,00—21-12-21

23/9 Lucknow 23/9

To
the Under Secretary to Govt under el
Finance (Judicial) Dept.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 2368-9—Cts. 181-25, dated 7th November 1927.

Revision of the pay of the Process Establishment.

Sanctions the —— of the Civil Courts.

READ—

Correspondence ending with letter No. ROC. 991—26-27, dated 13th June 1927, from the Registrar, Chief Court, forwarding proposals for the revision of the Process Establishment of the Civil Courts in the State as required in para 6 of Government Order No. P. 5239-52—Cts. 263-26-1, dated 4th April 1927.

ORDER NO. P. 2368-9—CTS. 181-25, DATED 7TH NOVEMBER 1927.

Government are pleased to sanction the reorganisation of the Process Establishment of the Civil Courts in the State at an extra cost of Rs. 27,460 3/5 per annum as shown below:—

Present scale			Scale as sanctioned		
No.	Pay	Average cost per month	No.	Pay	Average cost per month
	Rs.	Rs.		Rs.	Rs.
		Nazirs.			*Nazirs.*
8	40	320			
13	35	455	21	35—3—50	971¼
L. A.	3	3			
		778			
		Amins.			*Amins.*
44	23	1,012			
116	20	2,320	160	20—1—26	3,829 1/3
L. A.	5 (2)	10			
		3,342			
		Process servers.			*Process Servers.*
			456	11—½—18	6,824 4/5
107	13	1,391	K. G. F.		27
349	11	3,839	allowance		
L. A.	14 (1)	14			11,652 23/60
		5,244	Present cost	per mensem	9,364
			Extra cost	per mensem	2,288 27/40 or
637	Grand Total	9,364	637	..	Rs. 27,460 3/5 per annum

2. The revised scale will take effect from 14th October 1927.

3. The cost will be met out of the lumpsum provision made for Judicial Reforms in the current year's budget of the Judicial Department.

B. NAGAPPA,
Secretary to Government,
Law Department.

To—The Registrar, Chief Court.
The Comptroller to Government. through the Financial Secretariat.

Exd.—P. R. S

W D 1151—GPB 380—16-11-27.

APP. F. VI. Gl.]

73

SUBJECT.....

.....

.....

Section Cl2

File No.

Serial No.

No. 2538 Genl

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *192*

To

The Regr. Kuly Court.....

Date of issue..... 16/11/27

Signed by..... H' Cs

Sir,

I am directed to invite reference to your letter no. ROC 423/1 dt 22.10.27 forwarding an allocation statement of the Process staff of the various civil courts including the additional civil courts ~~recently~~ recent sanctioned. The cost ~~amount~~ in the statement as shown as Rs 29633 2/5 - p-a has been taken at lowest ~~&~~ highest figure ~~into the result that the total cost~~ for the old lands (excluding the 20 lands sanctioned for the Munsiffs courts at Hunsur, Mandya and Closepet) ~~etc~~

List of enclosures..... revised scale

Copied by..... 16/11

Examined by .....

over

Whereas

the total cost sanctioned for revenue opts

for press establishment in fo no

P 2368-9 / Es 187-25-3)-11-27 is Rs 27 4603/5 fo 9

I am therefore to return herewith a

copy of the Statement and to request

that the cost may be worked up as

per calculations made in the fo of 11.27

and the Statement returned for issue

with ~~with~~ multi g duplicate extra copies

of necessary orders

I have etc

14/11

for Secretary

3/11/27

17/11

Copy for file

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 2538 Emg

Dated, Bangalore, 16/11/1927

75

From

B. NAGAPPA, Esq., Bar-at-Law.
Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

A.Srinivasaraghavachari Esq., B.A., B.L.,

Registrar, Chief Coun.

Sir,

I am directed to invite reference to your letter No.ROC. 423/27-28 dated 22-10-1927 forwarding an allocation statement of the Process Staff of the various Civil Courts including the additional Civil Courts recently sanctioned. The cost in the statement has been shown as Rs.29633-2/5 per annum for the old hands (excluding 20 hands sanctioned for the Munsiffs' Courts at Hunsur, Mandya and Closepet), whereas the total cost sanctioned for revision of the Process Establishment in Government order No.P.2368-9/Cts.181-25 dated 7-11-1927 is Rs.27460-3/5 per annum. I am therefore to return herewith a copy of the statement and to request that the cost may be worked up as per calculations made in the Government Order of the 7th November 1927 and the statement returned with three extra copies for issue of necessary orders.

I have the honor to be,

Sir,

Your most obedient servant,

Dair Dpt.

For Secretary to Government,
Law Department.

B

252 P 27 76

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Comptroller's Office, Bangalore,

No. 719/ TAD A ?

Dated the 17th November *192 7.*

B. Nagappa Esq., Bar-at-Law,
Secretary to the Government of Mysore,
Law Department, Bangalore.

Sir,

With reference to Government Order No.P.2325-6/Cts 263-26-6 dated 5-11-27, sanctioning establishments for the permanent Munsiff's Courts at Mandya, Hunsur and Closepet, I have the honor to request that a statement may kindly be sent showing the detailed scale of establishment allowed for each Court both under Clerical and Process Sections. I further request to be informed whether the increment sanctioned to Process Servers is annas eight every year or rupee one every two years. As the above information is necessary in this office for purposes of audit,

audit, I request that the same may kindly be furnished to me as early as possible.

I have the honor to be,
Sir,
Your most obedient servant,

A. Macfarlane

For Comptroller.

9131/4-11

Telgm :
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

R. O. C. No. 545 (Conf. & Extraordinary) Bangalore 21st November 1927
Dis.

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-Law.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, BANGALORE.

Sir,

I am directed to acknowledge the receipt of your letter No.P.2538/Cts. dated the 16th November 1827, returning the allocation statement of the Process Staff of the various Civil Courts in the State, and to forward herewith a revised statement worked out in accordance with the calculations made in the Government Order No.P. 2368-9/Cts. 181-25 dated the 7th November 1927, as requested, ~~to~~ together

together with three extra copies.

I have the honour to
Sir,
Your most obedient serva

For Registrar.

76

Proceedings of the Govt. of H.H.
the Maharaja of Mysore.

Ck 181-25-5

Read:-

Letter No.ROC.423-27-28 dated 22-10-1927, from the Registrar, Chief Court, forwarding a statement showing the allocation of the Process Staff of the Civil Courts.

2. G.O.NO.P.2325-6/Cts.263-26-6 dated 5-11-1927, sanctioning 20 hands for the process establishment of the 3 permanent Munsiffs' Courts at Closepet, Mandya and Hunsur.

3. G.O.No.P.2368-9/Cts.181-25 dated 7-11-1927 sanctioning the revision of the process establishment of the -- civil courts.

4. Correspondence ending with letter No.ROC.545/27-28 dated 21-11-27 from the Registrar, Chief Court, forw-ing a revised statement showing the allocation of the process staff co and the extra cost calculated as per ... dated 7-11-1927.

Order No.P. 2903-4 Cts

Dated Bangalore, 1/12/1927.

Consequent on the establishment of the three permanent civil courts and the change of territorial jurisdiction of some of the civil courts, a realloca-tion of the Process Establishment is rendered necessary. Including the 20

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hands sanctioned in the G.O. of 5th November 1927 read above, there are 657 hands in the process establishment of the civil courts and the Chief Court have forwarded a revised statement showing the allocation of these 657 hands courtwar with the cost thereof. Government are pleased to approve of the allocation proposed by the Chief Court which is contained in the statement appended to this order.

24/4 Secretary to Govt.,
Law Department.

To

The Registrar, Chief Court.
" Comptroller, thro' Fl.Sectt.

KMN

EXISTING PERMANENT COURTS.

First Munsiff's Court, Bangalore.

1	Process Nazir	40	40	1	Process Nazir	35	3 $46\frac{1}{4}$	50	$46\frac{1}{4}$	
2	1st Grade Amins	23	46	8	Amins	20	1 $23\frac{14}{15}$	26	$191\frac{7}{15}$	
8	2nd Grade -do-	20	160							
6	1st Grade Process Servers.	13	78	21	Process Servers	11	* $\frac{1}{2}$ $14\frac{29}{30}$	18	$314\frac{3}{10}$	* Increment is at the rate of 8 annas per year
18	2nd Grade -do-	11	198							
Total 35			522	30					$552\frac{1}{60}$	

TKV/5.

60

SECOND MUNSIFF'S COURT, BANGALORE.

1	Process Nazir.	40	40	1	Process Nazir.	35	3	50	46¼
4	1st Grade Amins	23	92	9	Amins	20	1	26	215 2/5
8	2nd Grade Amins	20	160						
8	1st Grade Process Servers	13	104	24	Process Servers	11	½	18	359 1/5
25	2nd Grade -do-	11	275						
46			671	34					620 17/20

TKV/5.

MUNSIFF'S COURT, DODBALLAPUR.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	46¼
1	1st Grade Amin	23	23	5	Amins	20	1	26	119 2/3
5	2nd Grade Amins	20	100						
4	1st Grade Process Servers	13	52	14	Process Servers	11	½	18	209 8/15
11	2nd Grade -do-	11	121						
22			331	20					375 9/20

TKV/5.

MUNSIFF'S COURT, KOLAR.

1	Process Nazir	40	40	1	Process Nazir.	35	— 3	50	46¼
2	1st Grade Amins	23	46	7	Amins	20	1	26	167 8/15
5	2nd Grade -do-	20	100						
5	1st Grade Process Servers	13	65	20	Process Servers	11	½	18	299⅓
15	2nd Grade -do-	11	165						
28			416	28					513 7/60

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TKV/5.

MUNSIFF'S COURT, KOLAR GOLD FIELDS.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	$46\frac{1}{4}$
1	1st Grade Amin	23	23	5	Amins	20	1	26	$119\frac{2}{3}$
4	2nd Grade Amins	20	80						
2	1st Grade Process Servers	13	26	14	Process Servers	11	½	18	$209\frac{8}{15}$
12	2nd Grade -do-	11	132						
	Local Allowance		27		Local Allowance				27
20			296	20					$375\frac{9}{20}$
	Local Allowance		27		Local Allowance				27

TKV/5.

MUNSIFF'S COURT, CHIKBALLAPUR.

1	Process Nazir.	35	35	1	Process Nazir.	35	3	50	46¼
2	1st Grade Amins.	23	46	8	Amins.	20	1	26	191 7/15
6	2nd grade -do-	20	120						
4	1st grade Proeess Servers.	13	52	21	Process Servers.	11	½	18	314 3/10
17	2nd grade -do-	11	187						
30	-	-	440	30	-	-	-	-	552 1/60

FIRST MUNSIFF'S COURT, T U M K U R.

1	Process Nazir.	35	35	1	Process Nazir.	35	3	50	46½
1	1st grade Amin.	23	23	5	Amins.	20	1	26	119 2/3
4	2nd Grade Amins.	20	80						
2	1st Grade Process Servers.	13	26	14	Process Servers.	11	½	18	209 8/15
12	2nd grade -do-	11	132						
20	-	-	296	20	-	-	-	-	375 9/20

N.B. Temporary Establishment consisting of 1 Amin on (20),

1 Process Server o n(13) and 2 Proeess Servers on (11) is ~~xx~~ attached to this court.

Temporary Establishment continues.

Rv.

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SECOND MUNSIFF'S COURT, T U M K U R.

1	Process Nazir.	35	35	1	Process Nazir.	35	3	50	46¼
1	1st Grade Amin.	23	23	7	Amins.	20	1	26	167 8/15
6	2nd Grade Amins.	20	120						
3	1st Grade Process Servers.	13	39	18	Process Servers.	11	½	18	269 2/5
15	2nd grade -do-	11	165						
26	-	-	382	26	-	-	-	-	483 11/60

Rv.

MUNSIFF'S COURT, MADDAGIRI.

1	Process Nazir.	35	35	1 Process Nazir.	35	3	50	46¼
1	1st Grade Amin	23	23	5 Amins.	20	1	26	119 2/3
4	2nd Grade Amins.	20	80					
2	1st Grade Process Servers.	13	26	13 Process Servers.	11	½	18	194 17/30
11	2nd grade Proeess Servers.	11	121					
19			285	19				360 29/60

Rv

FIRST MUNSIFF'S COURT, MYSORE.

1	Process Nazir.	40—	40	1	Process Nazir.	35	3	50	46¼
2	1st Grade Amins.	23	46	6	Amins.	20	1	26	143 3/5-
4	2nd Grade Amins.	20	80		..		..		..
7	1st Grade Process Servers.	13	91	25	Process Servers.	11	½	18	374 1/6-
21	2nd grade Process Servers.	11	231		..		..		..
35			488	32					564-1/60

SECOND MUNSIFF'S COURT, MYSORE.

1.	Process Nazir	40	40	1	Process Nazir	35	3	50	46$\frac{1}{4}$
4	1st Grade Amins	23	92	6	Amins	20	1	26	143$\frac{3}{5}$
8	2nd Grade Amins	20	160	.	...	..	.	..	...
9	1st Grade Process servers.	13	117	24	Process Servers	11	$\frac{1}{2}$	18	359$\frac{1}{5}$
29	2nd Grade Process servers.	11	319	..	...	..	.	..	...
51			728	31					549$\frac{1}{20}$

VSM

MUNSIFF'S COURT, SERINGAPATAM.

1	Process Nazir	40	40	1	Process Nazir	35	3	50	46½
3	1st Grade Amins	23	69	5	Amins	20	1	26	119⅔
9	2nd Grade Amins	20	180	.	.....	..	.	..	...
7	1st Grade Process servers.	13	91	18	Process Servers	11	½	18	269⅖
25	2nd Grade Process servers.	11	275	..	.....	..	.	..	...
45			655	24					435$\frac{19}{60}$

VSM

MUNSIFF'S COURT, NANJANGUD.

1	Process Nazir	40	40	1	Process Nazir	35	3	50	$46\frac{1}{4}$
4	1st Grade Amins	23	92	10	Amins	20	1	26	$239\frac{1}{3}$
6	2nd Grade Amins	20	120	..	...	..	.	..	...
9	1st Grade Process servers.	13	117	26	Process Servers	11	$\frac{1}{2}$	18	$389\frac{2}{15}$
17	2nd Grade Process servers.	11	187	..	...	..	.	..	...
37			556	37					$674\frac{43}{60}$

VSM

MUNSIFF'S COURT, HASSAN.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	$46\frac{1}{4}$
2	1st Grade Amins	23	46	7	Amins	20	1	26	$167\frac{8}{15}$
4	2nd Grade Amins	20	80	.	...	..	.	..	...
6	1st Grade Process servers	13	78	25	Process servers	11	$\frac{1}{2}$	18	$374\frac{1}{6}$
18	2nd Grade Process servers	11	198	..	....	..	.	..	...
31			437	33					$587\frac{50}{60}$

VSM

MUNSIFF'S COURT, HOLE-NARSIPUR.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	46¼
1	1st Grade Amin	23	23	7	Amins	20	1	26	167 8/15
5	2nd -do-	20	100						
5	1st Grade Process Servers	13	65	21	Process Servers	11	½	18	314 3/10
14	2nd -do-	11	154						
26			377	29					528 1/12

TKV/5.

MUNSIFF'S COURT, SHIMOGA.

11	Process Nazir	40	40	1	Process Nazir	35	3	50	46¼
5	1st Grade Amins	23	115	14	Amins	20	1	26	$335^{1}/_{15}$
9	2nd -do-	20	180						
9	1st Grade Process Servers	13	117	34	Process Servers	11	½	18	$508^{13}/_{15}$
25	2nd -do-	11	275						
49			727	49					$890^{11}/_{60}$

TKV/5.

MUNSIFF'S COURT, SAGAR.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	$46\frac{1}{4}$
2	1st Grade Amins	23	46	7	Amins	20	1	26	$167\frac{8}{15}$
5	2nd -do-	20	100						
5	1st Grade Process Servers	13	65	22	Process Servers	11	$\frac{1}{2}$	18	$329\frac{4}{15}$
17	2nd -do-	11	187						
30			433	30					$543\frac{1}{20}$

TKV/5.

MUNSIFF'S COURT, CHITALDRUG.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	46¼
1	1st Grade Amin	23	23	6	Amins	20	1	26	143 3/5
5	2nd -do-	20	100						
4	1st Grade Process Servers	13	52	21	Process Servers	11	½	18	314 3/10
17	2nd -do-	11	187						
28			397	28					504 3/20

TKV/5.

MUNSIFF'S COURT, DAVANGERE.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	46¼
1	1st Grade Amin	23	23	5	Amins	20	1	26	119⅔
4	2nd -do-	20	80						
4	1st Grade Process Servers	13	52	16	Process Servers	11	½	18	239⅞
12	2nd -do-	11	132						
22			322	22					405~~23~~/60

TKV/5.

MUNSIFF'S COURT, CHIKMAGALUR.

1	Process Nazir	35	35	1	Process Nazir	35	3 50	$46\frac{1}{4}$
2	1st Grade Amins	23	46	5	Amins	20	1 26	$119\frac{2}{3}$
3	2nd -do-	20	60					
3	1st Grade Process Servers	13	39	12	Process Servers	11	$\frac{1}{2}$ 18	$179\frac{3}{5}$
9	2nd -do-	11	99					
18			279	18				$345\frac{31}{60}$

TKV/5.

MUNSIFF'S COURT, NARASIMHARAJAPURA.

1	Process Nazir.	35	35	1	Process Nazir	35	3	50	46½
2	1st Grade Amins.	23	46	6	Amins.	20	1	26	143 3/5
4	Second Grade -do-	20	80						
3	1st Grade Process Servers.	13	39	12	Process Servers.	11	½	18	179 3/5
9	2nd grade -do-	11	99						
19			299	19					369-9/20-

Rv.

(Court newly sanctioned).

MUNSIFF'S COURT, CLOSEPET.

1	Process Nazir.	35	3	50	46¼
8	Amins.	20	1	26	191 7/15
18	Process Servers. ..	11	½	18	269 2/5
27					507 7/60

Rv.

107

(Court newly sanctioned).

MUNSIFF'S COURT, HUNSUR.

1	Process Nazir.	35	3	50	46¼
6	Amins.	20	1	26	143 3/5
18	Process Servers.	11	½	18	269 2/5
25					459¼

Rv.

(Court newly sanctioned).

MUNSIFF'S COURT, MANDYA.

1	Process Nazir.	35	3	50	46¼
7	Amins.	20	1	26	167 8/15
18	Process Servers.	11	½	18	269 2/5
26					483 11/60

Rv.

183

Present.		Revised.		
1. Cost for 21 Existing Courts per month.	Rs.9364.	1. Cost for 21 Existing Courts per month.. Rs.10604 53/60		Total cost for all the 24 courts..12081 13/30
		Kolar Gold Fields' Allowance. 27		Deduct present cost. 9364
		10631 53/60		2717 13/30
		2. Cost for 3 new courts per month... 1449 11/20		Deduct the average cost for 20 hands sanctioned for the 3 new courts in G.O. No.P.2325-6/Cts.263-26-6 dated 5-11-27 namely 3 Process Nazirs, 4 Amins & 13 Process Servers. .. 429 1/20
		TOTAL..... 12081 13/30		Net extra cost per month... 2288 23/60
				Extra cost per annum. .. 27460 3/5

Chief Court of Mysore,
Bangalore, November 1927.

Rv.

Abeemsahapuri
for REGISTRAR.

EXPLANATORY MEMO.

(X). PROCESS ESTABLISHMENTS-

The Process Establishments of the Courts affected by the change of territorial jurisdiction have been revised and the number of hands reallocated. The number of hands recommended in this Office No. 991 of 1926-27 dated 13-6-1927 for the new Permanent Courts has not been exceeded, but the number --- required by them is made up by transferring some hands from the Existing Permanent Courts whose -- territorial jurisdiction has been reduced.

for REGISTRAR.

RV.

Statement showing the present scale of Process Establishment and the Scale as now proposed for each of the Munsiff's Courts in the State.

PRESENT SCALE.				PROPOSED SCALE.						
						PAY				
No.	Designation.	Pay.	Total Cost.	No.	Designation.	Minimum.	Rate of increase.	Maximum.	Average Cost.	Remarks.

S. O.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 2903-4—Cts. 181-25, dated 1st December 1927.

Allocation of the Process Establishment.

Sanctions the —— among the various Civil Courts.

READ—

Letter No. ROC. 423-27-28, dated 22nd October 1927, from the Registrar, Chief Court, forwarding a statement showing the allocation of the process staff of the Civil Courts.

2. Government Order No. P. 2325-6—Cts. 263-26-6, dated 5th November 1927, sanctioning 20 hands for the process establishment of the three permanent Munsiffs' Courts at Closepet, Mandya and Hunsur.

3. Government Order No. P. 2368-9—Cts. 181-25, dated 7th November 1927, sanctioning the revision of the process establishment of the Civil Courts.

4. Correspondence ending with letter No. ROC. 545—27-28, dated 21st November 1927, from the Registrar, Chief Court, forwarding a revised statement showing the allocation of the process staff courtwar and the extra cost calculated as per Government Order dated 7th November 1927.

No. P. 2903-4—CTS. 181-25, DATED 1ST DECEMBER 1927.

Consequent on the establishment of the three permanent Civil Courts and the change of territorial jurisdiction of some of the Civil Courts, a reallocation of the process establishment is rendered necessary. Including the 20 hands sanctioned in the Government Order of 5th November 1927 read above, there are 657 hands in the process establishment of the Civil Courts. The Chief Court has forwarded a revised statement showing the allocation of these 657 hands courtwar with the cost thereof. Government are pleased to approve of the allocation proposed by the Chief Court which is contained in the statement appended to this order.

B. NAGAPPA,
Secretary to Government,
Law Department.

To—The Registrar, Chief Court.
The Comptroller to Government, through Financial Secretariat.

Exd.—P. S. R.N.

Statement showing the present scale of Process Establishment and the scale as now proposed for each of the Munsiff's Courts in the State.

Present scale				Proposed scale						
						Pay				
No.	Designation	Pay	Total cost	No.	Designation	Minimum	Rate of increase	Maximum	Average cost	Remarks
					EXISTING PERMANENT COURTS.					
		Rs.	Rs.		*First Munsiff's Court Bangalore.*	Rs.	Rs.	Rs.	Rs.	
1	Process Nazir	40	40	1	Process Nazir	35	3	50	$46\frac{1}{4}$	*Increment is at the rate of eight annas per year
2	First Grade Amins	23	46			..	$46\frac{1}{4}$	..	..	
8	Second Grade Amins ..	20	160	8	Amins	20	1	26	$191^{7}/_{15}$	
6	First Grade Process Servers ..	13	78			..	$23^{14}/_{15}$	..	..	
18	Second Grade Process Servers ..	11	198	21	Process Servers	11	$*\frac{1}{2}$	18	$314^{3}/_{10}$	
						..	$14^{29}/_{30}$	..	..	
35	Total ..	...	522	30	Total ..	..	..	..	$552^{1}/_{60}$	
					SECOND MUNSIFF'S COURT, BANGALORE.					
1	Process Nazir	40	40	1	Process Nazir	35	3	50	$46\frac{1}{4}$	..
4	First Grade Amins	23	92	9	Amins	20	1	25	$215^{2}/_{5}$	..
8	Second Grade Amins	20	160		....	..	..	..	..	..
8	First Grade Process Servers ..	13	104	24	Process Servers	11	$\frac{1}{2}$	18	$359^{1}/_{5}$	..
25	Second Grade Process Servers ..	11	275		....		..	..	..	..
46	Total ..	..	671	34	Total ..	..	..	..	$620^{17}/_{20}$	
					MUNSIFF'S COURT, DODBALLAPUR.					
1	Process Nazir	35	35	1	Process Nazir	35	3	50	$46\frac{1}{4}$	..
1	First Grade Amin	23	23	5	Amins	20	1	26	$119\frac{2}{3}$	..
5	Second Grade Amins ..	20	100		....	..	..	..	..	..
4	First Grade Process Servers ..	13	52	14	Process Servers	11	$\frac{1}{2}$	18	$209^{8}/_{15}$	..
11	Second Grade Process Servers ..	11	121		....	..	..	..	..	..
22	Total ..	..	331	20	Total ..	..	..	..	$375^{9}/_{20}$	

MUNSIFF'S COURT, KOLAR.

1	Process Nazir	40	40	1	Process Nazir	35	3	50	$46\frac{1}{4}$	...
2	First Grade Amins	23	46	7	Amins	20	1	26	$167^{8}/_{15}$	...
5	Second Grade Amins	20	100		.. ..	..	..	..	..	...
5	First Grade Process Servers ..	13	65	20	Process Servers	11	$\frac{1}{2}$	18	$299\frac{1}{3}$	...
15	Second Grade Process Servers ...	11	165		.....	..	..	..	..	...
28	Total ..	..	416	28	Total ..	..	..	..	$513^{7}/_{60}$	

MUNSIFF'S COURT, KOLAR GOLD FIELDS.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	$46\frac{1}{4}$	..
1	First Grade Amin	23	23	5	Amins	20	1	26	$119\frac{2}{3}$	..
4	Second Grade Amins ..	20	80		....	..	..	..	..	..
2	First Grade Process Servers ..	13	26	14	Process Servers	11	$\frac{1}{2}$	18	$209^{8}/_{15}$	...
12	Second Grade Process Servers ..	11	132		....	...	..	..	..	..
..	Local Allowance	..	27		Local Allowance ..	..	..	..	27	..
20	Total ..	..	296	20	Total ..	..	..	..	$375^{9}/_{20}$	
	Local allowance ..		27		Local allowance	...		..	27	

MUNSIFF'S COURT, CHIKBALLAPUR.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	$46\frac{1}{4}$	..
2	First Grade Amins	23	46	8	Amins	20	1	26	$191^{7}/_{15}$	..
6	Second Grade Amins ..	20	120		....	..	..	..	..	..
4	First Grade Process Servers ..	13	52	21	Process Servers	11	$\frac{1}{2}$	18	$314^{3}/_{10}$	..
17	Second Grade do ..	11	187	..	....	..	..	..	..	..
30	Total ..	..	440	30	Total ..	..	...	..	$552^{1}/_{60}$	

FIRST MUNSIFF'S COURT, TUMKUR.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	$46\frac{1}{4}$	
1	First Grade Amin	23	23	5	Amins	20	1	26	$119\frac{2}{3}$	
4	Second Grade Amins ..	20	80							
2	First Grade Process Servers ..	13	26	14	Process Servers	11	$\frac{1}{2}$	18	$20^{8}/_{15}$	
12	Second Grade do ..	11	132							
20	Total ..	..	296	20	Total ..	..	..	..	$375^{9}/_{20}$	Temporary establishment continues.

N.B.—Temporary establishment consisting of 1 Amin on (20). 1 Process Server on (13) and 2 Process Servers on (11) is attached to this Court.

(84)

Statement showing the present scale of Process Establishment and the scale as now proposed for each of the Munsiff's Courts in the State.

Present scale				No.	Proposed scale					
						Pay				
No.	Designation	Pay	Total cost		Designation	Minimum	Rate of increase	Maximum	Average cost	Remarks
		Rs.	Rs.		SECOND MUNSIFF'S COURT, TUMKUR.	Rs.	Rs.	Rs.	Rs.	
1	Process Nazir	35	35	1	Process Nazir	35	3	50	$46\frac{1}{2}$	..
1	First Grade Amin	23	23	7	Amins	20	1	26	$1678^{8}/_{15}$	..
6	Second Grade Amins ..	20	120		....	..	..	..	..	..
3	First Grade Process Servers .	13	39	18	Process Servers	11	$\frac{1}{2}$	18	$269^{2}/_{5}$	..
15	Second Grade do ..	11	165		....	..	..	..	..	..
26	Total ..	..	382	26	Total ..	..	..	..	$483^{11}/_{60}$	
					MUNSIFF'S COURT, MADDAGIRI.					
1	Process Nazir	35	35	1	Process Nazir	35	3	50	$46\frac{1}{2}$	..
1	First Grade Amin	23	23	5	Amins	20	1	26	$119\frac{1}{3}$	..
4	Second Grade Amins ..	20	80		....	..	..	..	..	..
2	First Grade Process Servers ..	13	26	13	Process Servers	11	$\frac{1}{2}$	18	$194^{17}/_{30}$	..
11	Second Grade Process Servers ..	11	121		.....	..	..	..	..	..
19	Total ..	..	285	19	Total ..	..	..	..	$360^{29}/_{60}$	
					FIRST MUNSIFF'S COURT, MYSORE.					
1	Process Nazir	40	40	1	Process Nazir	35	3	50	$46\frac{1}{2}$	..
2	First Grade Amins	23	46	6	Amins	20	1	26	$143^{3}/_{5}$	..
4	Second Grade Amins ..	20	80		....	..	..	..	..	..
7	First Grade Process Servers ..	13	91	25	Process Servers	11	$\frac{1}{2}$	18	$374^{1}/_{6}$	..
21	Second Grade Process Servers ..	11	231		....	..	..	..		..
35	Total ..	..	488	32	Total ..	..	..	..	$564^{1}/_{60}$	

SECOND MUNSIFF'S COURT, MYSORE.

1	Process Nazir	40	40	1	Process Nazir	35	3	50	46¼	..
4	First Grade Amins	23	92	6	Amins	20	1	26	143 3/5	..
8	Second Grade Amins ..	20	160		.....	...	...	..	..	..
9	First Grade Process Servers ..	13	117	24	Process Servers	11	½	18	359 1/5	..
29	Second Grade Process Servers ..	11	319		....	..	...	..	..	..
51	Total ..	—	728	31	Total ..	...	..	..	549 1/20	

MUNSIFF'S COURT, SERINGAPATAM.

1	Process Nazir	40	40	1	Process Nazir	35	3	50	46¼	..
3	First Grade Amins	23	69	5	Amins	20	1	26	119 2/3	..
9	Second Grade Amins ..	20	180		...	..	..	..	..	..
7	First Grade Process Servers ..	13	91	18	Process Servers	11	½	18	269 2/5	..
25	Second Grade Process Servers ..	11	275		....	..	..	...	..	..
45	Total ..	..	655	24	Total ..	..	..	..	435 19/60	

MUNSIFF'S COURT, NANJANGUD.

1	Process Nazir	40	40	1	Process Nazir	35	3	50	46¼	..
4	First Grade Amins ..	23	92	10	Amins	20	1	26	239 1/3	..
6	Second Grade Amins ..	20	120		....	..	..	..	..	..
9	First Grade Process Servers ..	13	117	26	Process Servers ..	11	½	18	389 2/15	..
17	Second Grade Process Servers ..	11	187		....	..	..	..	..	..
37	Total ..	..	556	37	Total ..	..	..	..	674 43/60	

MUNSIFF'S COURT, HASSAN.

1	Process Nazir ..	35	35	1	Process Nazir	35	3	50	46¼	..
2	First Grade Amins ..	23	46	7	Amins	20	1	26	167 8/15	..
4	Second Grade Amins ..	20	80		....	..	..	..	..	..
6	First Grade Process Servers ..	13	78	25	Process Servers ..	11	½	18	374 1/6	..
18	Second Grade Process Servers ..	11	198		....	..	..	..	..	..
31	Total ..	..	437	33	Total ..	..	..	..	587 57/60	

Statement showing the present scale of Process Establishment and the scale as now proposed for each of the Munsiff's Courts in the State.

Present scale				Proposed scale						
						Pay				
No.	Designation	Pay	Total cost	No.	Designation	Minimum	Rate of increase	Maximum	Average cost	Remarks
		Rs.	Rs.	MUNSIFF'S COURT, HOLE-NARSIPUR.		Rs.	Rs.	Rs.	Rs.	
1	Process Nazir ..	35	35	1	Process Nazir	35	3	50	46½	..
1	First Grade Amin ..	23	23	7	Amins	20	1	26	167 8/15	..
5	Second Grade Amins ..	20	100		....	..	..	...	..	..
5	First Grade Process Servers ..	13	65	21	Process Servers ..	11	½	18	314 8/10	..
14	Second Grade Process Servers ..	11	154		....	..	..	...	..	..
26	Total ..	..	377	29	Total ...	..	..	..	528 1/12	
				MUNSIFF'S COURT, SHIMOGA.						
1	Process Nazir ..	40	40	1	Process Nazir ..	35	·3	50	46½	...
5	First Grade Amins ...	23	115	14	Amins	20	1	26	335 1/85	..
9	Second Grade Amins ..	20	180		....	...	..	..	..	...
9	First Grade Process Servers ..	13	117	34	Process Servers ...	11	½	18	508 18/15	..
25	Second Grade Process Servers ..	11	275		....	..	..	...	...	..
49	Total ..	..	727	49	Total ..	..	..	..	890 11/60	
				MUNSIFF'S COURT, SAGAR.						
1	Process Nazir ..	35	35	1	Process Nazir ..	35	3	50	46½	..
2	First Grade Amins ..	23	46	7	Amins	20	1	26	167 8/15	..
5	Second Grade Amins ..	20	100		.....	..	..	..	..	..
5	First Grade Process Servers ..	13	65	22	Process Servers ..	11	½	18	329 4/15	..
17	Second Grade Process Servers ..	11	187		....	..	..	..	..	..
30	Total ..	..	433	30	Total ..	..	...	..	543 1/20	

MUNSIFF'S COURT, CHITALDRUG.

1	Process Nazir ..	35	35	1	Process Nazir ..	35	3	50	46¼	
1	First Grade Amin ..	23	23	6	Amins	20	1	26	143 3/5	
5	Second Grade Amins ..	20	100		....	..	..	..	..	
4	First Grade Process Servers ..	13	52	21	Process Servers ..	11	½	18	314 3/10	..
7	Second Grade Process Servers ..	11	187		.....	..	..	..	..	..
28	Total ..	..	397	28	Total ..	..	..	..	504 3/20	

MUNSIFF'S COURT, DAVANGERE.

1	Process Nazir ..	35	35	1	Process Nazir	35	3	50	46¼	..
1	First Grade Amin ..	23	23	5	Amins	20	1	26	119 2/3	..
4	Second Grade Amins ..	20	80		....	..	..	..	..	..
4	First Grade Process Servers ..	13	52	16	Process Servers ..	11	½	18	239 7/15	..
12	Second Grade Process Servers ..	11	132		....	..	..	..	..	..
22	Total ..	..	322	22	Total ..	..	..	..	405 23/60	

MUNSIFF'S COURT, CHIKMAGALUR.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	46¼	..
2	First Grade Amins ..	23	46	5	Amins	20	1	26	119 2/8	..
3	Second Grade do ..	20	60							
3	First Grade Process Servers ..	13	39	12	Process Servers	11	½	18	179 3/5	..
9	Second Grade do ..	11	99			..	..	..	..	..
18	Total ..	..	279	18	Total ..	...	..	..	345 31/60	

MUNSIFF'S COURT, NARASIMHARAJAPURA.

1	Process Nazir	35	35	1	Process Nazir	35	3	50	46¼	..
2	First Grade Amins ..	23	46	6	Amins	20	1	26	143 3/5	..
4	Second Grade do ..	20	80			..	..	..	..	..
3	First Grade Process Servers ...	13	39	12	Process Servers	11	½	18	179 3/5	..
9	Second Grade do ..	11	99			..	..	..	..	..
19	Total ..	..	299	19	Total ..	..	..	..	369 9/20	

MUNSIFF'S COURT, CLOSEPET.

	(Court newly sanctioned.)			1	Process Nazir	35	3	50	46¼	..
				8	Amins	20	1	26	191 7/15	..
				18	Process Servers	11	½	18	269 2/5	..
				27	Total ..	..	..	..	507 7/60	

Statement showing the present scale of Process Establishment and the scale as now proposed for each of the Munsiff's Courts in the State—*concld.*

Present scale				No.	Proposed scale					
						Pay				
No.	Designation	Pay	Total		Designation	Minimum	Rate of increase	Maximum	Average cost	Remarks
		Rs.	Rs.		MUNSIFF'S COURT, HUNSUR.	Rs.	Rs.	Rs.	Rs.	
	(Court newly sanctioned).			1	Process Nazir	35	3	50	$46\frac{1}{4}$	...
				6	Amins	20	1	26	$143^{8}/_{5}$	..
				18	Process Servers	11	$\frac{1}{2}$	18	$269^{2}/_{5}$	..
				25	Total ..	..	..	..	$459\frac{1}{2}$	
					MUNSIFF'S COURT, MANDYA.					
	(Court newly sanctioned).			1	Process Nazir	35	3	50	$46\frac{1}{4}$	.
				7	Amins	20	1	26	$167^{5}/_{15}$	..
				18	Process Servers	11	$\frac{1}{2}$	18	$269^{2}/_{5}$	..
				26	Total ..	..	..	..	$483^{11}/_{60}$	

Present		Revised			
	Rs.		Rs.		Rs.
1. Cost for 21 Existing Courts per month.	9,364	1. Cost for 21 Existing Courts per month.	$10,604^{53}/_{60}$	Total cost for all the 24 courts ..	$12,081_{1}^{3}/_{10}$
		Kolar Gold Fields Allowance.	27	Deduct present cost	9,364
		Total ..	$10,631^{53}/_{60}$	Total ..	$2,717^{13}/_{30}$
		2. Cost for 3 new courts per month.	$1,449^{11}/_{20}$	Deduct the average cost for 20 hands sanctioned for the 3 new courts in Government Order No. P. 2325-6—Cts. 263-26-6, dated 5th November 1927, namely, 3 Process Nazirs, 4 Amins and 13 Process Servers.	$429^{1}/_{20}$
		Total ...	$12,081^{18}/_{30}$	Net extra cost per month ..	$2,288^{28}/_{60}$
				Extra cost per annum	$27,460^{3}/_{5}$

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